

GENERAL PURPOSES COMMITTEE

Wednesday, 5 July 2017 at 7.00 p.m.

C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London,
E14 2BG

This meeting is open to the public to attend.

Members:

Chair: Councillor Danny Hassell
Vice-Chair: TBC

Councillor Denise Jones, Councillor Craig Aston, Councillor Aminur Khan, Councillor Abdul Mukit MBE, Councillor Muhammad Ansar Mustaqim, Councillor Joshua Peck and Councillor Helal Uddin

Deputies:

Councillor Rajib Ahmed, Councillor Asma Begum, Councillor Peter Golds and Councillor Candida Ronald

[The quorum for this body is 3 Members]

Contact for further enquiries:

Joel West, Democratic Services
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
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Web: <http://www.towerhamlets.gov.uk/committee>

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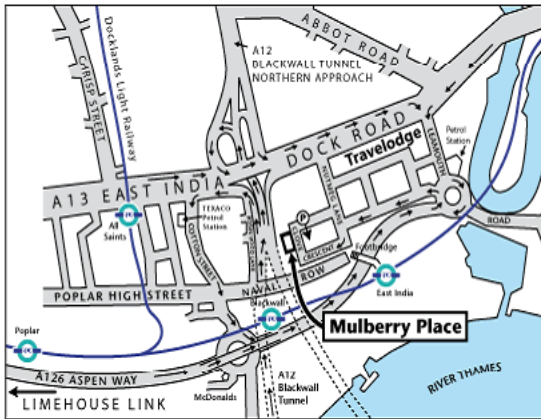
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APOLOGIES FOR ABSENCE

**1. APPOINTMENT OF VICE-CHAIR FOR THE 2017-18
MUNICIPAL YEAR**

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY
INTERESTS**

1 - 4

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

See attached note from the Monitoring Officer.

3. MINUTES

5 - 18

To agree the unrestricted minutes of the ordinary General Purposes Committee meeting held on 8 March 2017 and the Extraordinary General Purposes Committee meetings held on 2 May and 17 May 2017.

4. REPORTS FOR CONSIDERATION

4 .1 General Purposes Committee, Terms of Reference 2017/18

19 - 30

All Committees of Council receive a terms of reference report annually asking them to consider and note their terms of reference and delegated powers.

4 .2 General Purposes Committee Work Plan 2017-18

To Follow

4 .3 Local Authority Governor Applications

31 - 38

This report sets out for Members details of applicants who have applied to be nominated as the local authority governor at Tower Hamlets maintained schools.

4 .4 General election - lessons learnt

To Follow

4 .5 Revised Planning Code of Conduct

39 - 68

This report advises of a proposed revised Planning Code of Conduct at Part 5.2 of the Tower Hamlets Constitution.

**4 .6 Update from Constitutional Working Party - Council Procedure
Rules (Part 4.1 of the Constitution)**

69 - 78

As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. At the meeting of the Constitutional Working Party on 22 June 2017 consideration was given to amending the Council Procedure Rules to facilitate a more open and effective council meeting which in turn would encourage a higher standard of member conduct.

4.7 Update from Constitutional Working Party - Overview and Scrutiny Committee - Voting Rights of Co-opted Members 79 - 84

To consider whether the Muslim Faith representative on the Overview and Scrutiny Committee should have voting rights. This report advises as to the considerations of the Constitutional Working Party at its meeting on 22nd June 2017.

4.8 Proposed Revision to the Constitution - Part 5.4 (Member/ Officer Relations' Protocol) 85 - 122

As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date.

5. REPORTS FOR NOTING

5.1 Councillor Learning & Development To Follow

5.2 Update on Senior Recruitment To Follow

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

8. RESTRICTED REPORTS FOR NOTING

8 .1 Employment Appeals **To Follow**

8 .2 Exempt Appendices for Local Authority Governor Applications **123 - 142**

The report sets out for Members the details of applications of applicants who have expressed an interest in being appointed to local authority school governor positions at Tower Hamlets schools.

Next Meeting of the Committee:

Thursday, 12 October 2017 at 7.00 p.m. in C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Graham White, Acting Corporate Director, Governance and Interim Monitoring Officer – 020 7364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE GENERAL PURPOSES COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 8 MARCH 2017

**MP701, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG.**

Members Present:

Councillor Danny Hassell (Chair)
Councillor Denise Jones (Vice-Chair)
Councillor David Edgar
Councillor Aminur Khan
Councillor Muhammad Ansar Mustaqim
Councillor Helal Uddin
Councillor Peter Golds (Substitute for Councillor Craig Aston)

Apologies:

Councillor Khaled Uddin Ahmed
Councillor Craig Aston

Officers Present:

Graham White	(Acting Corporate Director, Governance)
Stuart Young	(Interim Divisional Director, HR & Transformation)
Runa Basit	(Head of School Governance & Information)
Paul Greeno	(Senior Corporate and Governance Lawyer, Legal Services)
Joel West	(Senior Democratic Services Officer)
Zoe Folley	(Senior Democratic Services Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

Councillor Denise Jones declared a personal interest in Item 3.5, Local Authority Governor Applications, as she knew applicant Kathy Darby.

2. MINUTES

The unrestricted minutes of the General Purposes Committee meeting held on 25 January 2017 were agreed as a correct record.

Matters arising

Further to Minute 3.3 - The Committee was provided with a hard copy of the previously requested updated management chart. Electronic versions will be emailed to members of the Committee.

Further to Minute 3.5 – The Committee requested an update on the feasibility and/or implementation of its suggested electoral improvements.

3. REPORTS FOR CONSIDERATION

3.1 Senior Management Recruitment Update

Stuart Young, Interim Divisional Director, HR and Transformation, provided a verbal update on the exercise to recruit to a number of posts resulting from the Council restructure previously agreed by the Committee. The key points were:

1. Applications for all posts have now closed.
2. There has been an overall good response to advertised vacancies.
3. Longlisting meetings have now been held for both vacant Corporate Director Posts:
 - a. 8 applications were received for the Corporate Director of Governance, which have been longlisted down to 5 candidates.
 - b. 19 applications were received for the Corporate Director of Place, which have been longlisted down to 7 candidates.

Mr Young reminded the Committee that appointment to a number of the posts would be via member-led Appointment Sub Committees (ASCs). Dates of all ASCs have been arranged and details circulated to group leaders, though several ASCs are still awaiting Councillor appointments. Members of the Committee were asked to liaise with their respective group leaders to ensure ASC memberships were confirmed in good time for the upcoming meetings. The Chair indicated he would be happy to write to group leaders to encourage nominations.

Further to a question for the Chair, Mr Young agreed to confirm in due course whether all paperwork for ASCs would be made available to ASC members in advance of meetings.

Resolved that the Committee:

1. Notes the verbal report.

3.2 Sickness Absence Management

Stuart Young, Interim Divisional Director, HR and Transformation, introduced the report which outlined a suite of measures the Council is taking to address the rise in sickness absence. Mr Young further explained that, of the top four

causes for sickness absence as identified at paragraph 3.3 of the report, stress and anxiety related absence had increased disproportionately compared to other causes.

In response to questions from the Committee, Mr Young:

- Provided more detail on the training to be provided to managers mentioned in paragraph 3.7 of the report. The training will include e-training modules, provision of a management 'toolkit' and will ensure managers know how to balance of employee's needs with the needs of the Council.
- Advised he feels the Council's record system to be robust and does not believe the recent rise in sickness absence to be a result of improvements in reporting/recording.
- Briefly explained a proposal to carry out a new initiative: a stress audit, amongst the Council's workforce,
- Explained the context of the Mayor of London's Healthy Workplace Charter. The Council is a signatory of the Charter and has achieved 'Commitment' recognition under it. It is hoped to achieve higher levels of recognition in future.

The Committee welcomed the proposal of a new workforce Wellbeing Strategy and plan to be brought back in the summer, but asked that an update on progress be delivered at its June 2017 meeting.

RESOLVED that the General Purposes Committee:

1. Notes the report and the actions being taken to address sickness absence in the immediate and longer term.
2. Will receive an update on progress with the new workforce Wellbeing Strategy and plan at its June 2017 meeting.
3. Will receive the draft workforce Wellbeing Strategy and plan in the Autumn cycle.

3.3 Tower Hamlets Constitution - Part 1 Summary and Explanation and Part 2 Articles – Proposed Changes

Graham White, Acting Corporate Director, Governance and Interim Monitoring Officer, introduced the report, which proposed a number of changes to Parts 1 and 2 of the Council's Constitution. Paul Greeno, Senior Corporate and Governance Lawyer, provided further detail on some of the proposed changes. The Committee heard:

- Proposals to clarify the roles of the Chief Executive and Mayor arise in part from requirements of the DCLG Commissioners, outlined in the Best Value Action Plan. The proposed wording reflects current practice.

- A reduction in the number of policies in the Council's Policy Framework has been proposed to reduce the burden on Full Council and reflect best practice.
- The Council's Monitoring Officer currently has power to make minor revisions to the Constitution to reflect decisions taken by the Council or changes in legislation or to correct matters of fact. Any changes made under this delegated power will be reported to Councillors.

Mr Greeno alerted the Committee to several technical errors within the circulated report and appendices, which he explained would be corrected prior to the report's submission to Full Council.

Officers agreed to investigate whether wording on paragraph (d) on page 90 of the report could be amended, as some members felt the paragraph was unclear.

RESOLVED that the General Purposes Committee:

1. Noted the spreadsheet in Appendix 1 setting out the revisions and the reasons;
2. Agreed that all the proposed revisions are non-material;
3. Agreed the revised Part 1 Summary and Explanation of the Constitution in Appendix 2 with the revisions shown as tracked changes, subject to rectification of any technical errors;
4. Agreed the revised Part 2 Articles of the Tower Hamlets Constitution in Appendix 3 with the revisions shown as tracked changes, subject to rectification of any technical errors; and
5. Noted that the revisions to the Constitution will go to Council for approval.

3.4 Tower Hamlets Constitution - Part 3 Responsibility for Functions – Proposed Changes

Graham White, Acting Corporate Director, Governance and Interim Monitoring Officer, introduced the report, which proposed a number of changes to Part 3 of the Council's Constitution. Paul Greeno, Senior Corporate and Governance Lawyer, provided further detail on some of the proposed changes. Mr White informed the Committee that the Council's Monitoring Officer currently has power to make minor revisions to the Constitution to reflect decisions taken by the Council or changes in legislation or to correct matters of fact. Any changes made under this delegated power will be reported to Councillors.

Mr Greeno alerted the Committee to several technical errors within the circulated report and appendices, which he explained would be corrected prior to the report's submission to Full Council.

Officers agreed to investigate whether the Overview and Scrutiny Membership paragraph on page 90 of the report could be amended, to clarify voting rights of all co-opted members of the Committee.

RESOLVED that the General Purposes Committee:

1. Noted the spreadsheet in Appendix 1 setting out the revisions and the reasons;
2. Agreed the revised Part 3 Responsibility for Functions of the Constitution as set out in Appendices 2 through to 10, subject to rectification of any technical errors; and
3. Noted that the revisions to the Constitution will go to Council for approval.

3.5 Local Authority Governor Applications

Runa Basit, Head of School Governance & Information, introduced the report, which summarised applications from five persons who had applied to be nominated for appointment or reappointment as a local authority governor at Tower Hamlets maintained schools.

Following consideration of the information supplied, including both unrestricted and restricted reports, the Committee agreed to nominate all five applicants to the school governor position each had applied for.

RESOLVED -

1. That the applicants for re-appointment to Local Authority School Governor positions as set out in the report be approved as follows.
 - a. That Kathy Darby be nominated for re-appointment as a governor at Virginia Primary School under the 2012 School Governance (Constitution) Regulations.
 - b. That John Edwards be nominated for re-appointment as a governor at Globe Primary School under the 2012 School Governance (Constitution) Regulations.
 - c. That Dr Ray Hall be nominated for re-appointment as a governor at Ben Johnson School under the 2012 School Governance (Constitution) Regulations.
 - d. That Peter Sherratt be nominated for re-appointment as a governor at Stebon Primary School under the 2012 School Governance (Constitution) Regulations.
2. That the applications for Local Authority Governors as detailed in the report be approved as follows:

- a. That Valentine Phillips be nominated for appointment as a governor at St. Luke's C.E. Primary School under the 2012 School Governance (Constitution) Regulations.

4. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

None.

5.1 Exempt Appendices for Local Authority Governor Applications

Noted.

The meeting ended at 8.33 p.m.

Chair, Councillor Danny Hassell
General Purposes Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE EXTRAORDINARY GENERAL PURPOSES COMMITTEE

HELD AT 7.10 P.M. ON TUESDAY, 2 MAY 2017

C1, MULBERRY PLACE, 5, CLOVE CRESCENT, LONDON E14 2BG

Members Present:

Councillor Danny Hassell (Chair)
Councillor Denise Jones (Vice-Chair)
Councillor Khaled Uddin Ahmed
Councillor Craig Aston
Councillor David Edgar
Councillor Aminur Khan
Councillor Muhammad Ansar Mustaqim
Councillor Helal Uddin

Officers Present:

Will Tuckley	(Chief Executive)
Paul Greeno	(Senior Corporate and Governance Lawyer, Legal Services)
Graham White	(Acting Corporate Director, Governance)
Louise Stamp	(Head of Electoral Services)
Stuart Young	(Interim Divisional Director, HR & Transformation)
Joel West	(Senior Democratic Services Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

2. REPORTS FOR CONSIDERATION

2.1 Organisational Structure Implementation and Recruitment Update

Will Tuckley, Chief Executive, introduced the report which outlined progress with implementing the management restructure previously approved by the Committee, as well as some proposed changes to the structure. Further to the report, Mr Tuckley advised that the starting date of the recently appointed Corporate Director of Governance had been delayed, as the announcement of the UK General Election means she will remain with her current employer slightly longer than anticipated.

With regard to the proposal in the report to create an additional divisional director within the Children's Directorate, Mr Tuckley advised he was

confident that suitable applicants could be found for both the proposed new roles, due to the high calibre of applicants for the previous post, the Divisional Director of Sports, Leisure, Culture and Youth.

An amended management structure chart was circulated showing where the new divisional directors would fit in the overall management structure. Mr Tuckley explained that the creation of the additional post would incur an estimated £100,000 additional expenditure, but as the current cost of covering those functions is higher, an overall saving would be realised.

Further to questions from the Committee regarding the Divisional Director Commissioning and Health post, Mr Tuckley advised that the 3 to 6 months' time scale was a maximum, and he hoped to appoint to the post sooner than this.

The Committee stressed the need, in light of the recent Ofsted findings, to ensure that management structure changes would lead to improvements in Children's Services. Mr Tuckley advised that, whilst the new management structure alone would not achieve the necessary improvements, the proposals in the report would provide for additional capacity to help improve the service.

Graham White, Acting Director of Governance, advised that as the first meeting of the Committee for 2017/18 was likely to be moved, due to the UK General Election, he would investigate solutions to allow Appointments Sub Committees to be established so that the recruitment timetable was not delayed.

RESOLVED that the Committee:

- a) Note the update on progress to recruit to vacant Divisional and Corporate Director Positions (see paragraph 3.2);
- b) Agree to the deletion of the vacant Divisional Director Sport, Leisure, Culture and Youth position and to create and recruit to roles of Divisional Director Youth and Children's Commissioning and Divisional Director Sport, Leisure and Culture (see paragraphs 3.2 to 3.5); and
- c) Agree to establish an Appointments Sub Committee to appoint to the post of Divisional Director Adult Social Care following the resignation of the current postholder (see paragraph 3.6).

2.2 Constitution Parts 4 and 5 - Proposed Changes

Graham White, acting Corporate Director of Governance, introduced the report. Mr White advised the proposed changes related to updating and correcting information and there were few material changes. Paul Greeno, Senior Corporate and Governance Lawyer, provided additional detail on the proposal to include new Officer Decision Procedure Rules.

The Committee noted that some proposed style and grammar changes to the constitution had been applied inconsistently and asked officers to review these prior to its referral to Full Council.

The Committee noted that the proposed constitutional changes had previously been considered by the Constitutional Working Party, but asked that the following suggestions for the Overview and Scrutiny Procedure Rules are revisited by the Working Party:

- whether the constitution should require that the Chair of the Overview and Scrutiny Committee is selected from the opposition groups;
- whether the Muslim Faith representative on the Overview and Scrutiny Committee should be a voting member, on a similar basis to current church and education representatives.

The Committee noted the proposals for the retention of documents outlined in the proposed Officer Decisions Procedure Rules, but some Members felt that the Council should aspire to permanent retention of important documents. Mr Tuckley advised that the Council's Retention Policy is due to be reviewed shortly.

RESOLVED that the Committee:

1. Note the spreadsheet in Appendix 1 setting out the revisions and the reasons;
2. Agree the revised Part 4.2 of the Constitution (Access to Information Procedure Rules) in Appendix 2 with the revisions shown as tracked changes;
3. Agree the revised Part 4.3 of the Constitution (Budget and Policy Framework Procedure) in Appendix 3 with the revisions shown as tracked changes;
4. Agree the revised Part 4.5 of the Constitution (Overview and Scrutiny Procedure Rules) in Appendix 4 with the revisions shown as tracked changes, but asks the Constitutional Working Party to consider:
 - a. whether the Chair of the Overview and Scrutiny Committee should be selected from the opposition groups; and
 - b. whether the Muslim Faith representative on the Overview and Scrutiny Committee should have voting rights;
5. Agree the revised Part 4.6 of the Constitution (Financial Regulations and Procedure Rules) in Appendix 5 with the revisions shown as tracked changes;
6. Agree the revised Part 4.7 of the Constitution (Financial Regulations and Procedure Rules) in Appendix 6 with the revisions shown as tracked changes;
7. Agree the revised Part 4.8 of the Constitution (Contracts and Procurement Procedure Rules) in Appendix 7 with the revisions shown as tracked changes;
8. Agree the new Part 4.10 of the Constitution (Recording of Officer Decision Procedure Rules) in Appendix 8; and
9. Recommend these revisions to the Constitution to Council for approval.

2.3 Preparing for the General Election, 8 June 2017

Will Tuckley, Chief Executive, introduced the report. Louise Stamp, Head of Electoral Services, provided additional detail on preparation for the UK General Election on 8th June 2017.

Further to the change of polling places indicated in the report, Mr Tuckley and Ms Stamp advised that these changes would be advertised clearly on polling cards of voters affected and displayed prominently on the old polling places.

Ms Stamp advised that electoral registrations had increased substantially since the election was announced and provided updated electoral registration figures as follows:

- Bethnal Green and Bow Constituency, 82, 219;
- Poplar and Limehouse Constituency, 84, 013.

Ms Stamp advised that the Council carries out robust checks on all new electoral registration applications.

Further to questions from some Councillors regarding the unsuitability of schools as polling places, Ms Stamp advised that a full polling place review would be carried out in June/July 2017. The review would assess the suitability of all existing polling places and make recommendations for improvements.

Mr Tuckley advised that Cabinet Office pilot schemes (as reported to the Committee in January 2017) for use of ID at polling stations, had been put on hold.

In response to questions from the Committee Mr Tuckley and Ms Stamp provided additional detail on policing arrangements, training for count staff, and initiatives to encourage youth participation and voting.

RESOLVED that the Committee:

1. Notes the content of the report.

The meeting ended at 8.50 p.m.

Chair, Councillor Danny Hassell
General Purposes Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE EXTRAORDINARY GENERAL PURPOSES COMMITTEE

HELD AT 9.00 P.M. ON WEDNESDAY, 17 MAY 2017

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, 5 CLOVE CRESCENT,
LONDON E14 2BG.**

Members Present:

Councillor Danny Hassell (Chair)
Councillor Denise Jones
Councillor Khaled Uddin Ahmed
Councillor Aminur Khan
Councillor Abdul Mukit MBE
Councillor Muhammad Ansar Mustaqim
Councillor Joshua Peck
Councillor Helal Uddin

Other Councillors Present:

Mayor John Biggs	Councillor Marc Francis
Councillor Shafi Ahmed	Councillor Shafiqul Haque
Councillor Suluk Ahmed	Councillor Clare Harrison
Councillor Ohid Ahmed	Councillor Sirajul Islam
Councillor Sabina Akhtar	Councillor Rabina Khan
Councillor Mahbub Alam	Councillor Shiria Khatun
Councillor Shah Alam	Councillor Abjol Miah
Councillor Amina Ali	Councillor Harun Miah
Councillor Abdul Asad	Councillor Md. Maium Miah
Councillor Asma Begum	Councillor Mohammed Mufti Miah
Councillor Rachel Blake	Councillor John Pierce
Councillor Chris Chapman	Councillor Oliur Rahman
Councillor Dave Chesterton	Councillor Gulam Robbani
Councillor Andrew Cregan	Councillor Rachael Saunders
Councillor Gulam Kibria Choudhury	Councillor Amy Whitelock Gibbs
Councillor Julia Dockerill	Councillor Andrew Wood
Councillor David Edgar	

Officers Present:

Will Tuckley	(Chief Executive)
Zena Cooke	(Corporate Director, Resources)
Aman Dalvi	(Corporate Director, Place)
Debbie Jones	(Corporate Director, Children's)
Denise Radley	(Corporate Director, Health, Adults & Community)

Graham White
Zoe Folley
Matthew Mannion

(Acting Corporate Director, Governance)
(Committee Officer, Governance)
(Committee Services Manager,
Democratic Services, Governance)

1. ELECTION OF CHAIR

RESOLVED:

1. That the Speaker of the Council, Councillor Sabina Akhtar, is elected as administrative Chair of the Committee, for the purposes of this Extraordinary Meeting only.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

3. REPORTS FOR CONSIDERATION

3.1 Establishment of Appointments Sub Committee 2017/18

The Committee considered the report of the Committee Services Manager, proposing the establishment of an Appointment Sub Committee for the 2017/18 municipal year.

RESOLVED that the Committee agree:

1. That the terms of reference for Appointments Sub-Committees for the remainder of the municipal year 2017/18 as set out at paragraph 4.1 of the report;
2. That the arrangements for nominating Councillors to serve on an Appointments Sub-Committee be agreed as set out at paragraph 4.2 of the report and the Divisional Director, Legal or the Head of Governance and Democratic Services (or their respective nominee) be authorised to agree the dates of Appointments Sub-Committee meetings and the membership of the Sub-Committee for each appointment that is required in accordance with nominations from the Group Leaders and Mayor; and
3. That the Committee note the process for appointment to Chief Officer and Deputy Chief Officer posts as set out at paragraph 5 of the report.

3.2 Establishment of Employee Appeal Sub Committee 2017/18

The Committee considered the report of the Committee Services Manager, proposing the establishment of an Employee Appeals Sub Committee for the 2017/18 municipal year.


RESOLVED that the General Purposes Committee agree:

1. To establish an Employee Appeals Sub Committee for the municipal year 2017/18 with the terms of reference (Appendix A) and hearing structure (Appendix B) from the report submitted.

The meeting ended at 9.02 p.m.

Chair, Councillor Danny Hassell
General Purposes Committee

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<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>5 July 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Graham White, (Acting) Corporate Director, Governance</p>	<p>Classification: [Unrestricted]</p>
<p>General Purposes Committee, Terms of Reference 2017/18</p>	

Originating Officer(s)	Matthew Mannion
Wards affected	(All Wards);

Summary

All Committees of Council receive a terms of reference report annually asking them to consider and note their terms of reference and delegated powers.

Recommendations:

The General Purposes Committee is recommended to:

1. Note its Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

1. REASONS FOR THE DECISIONS

- 1.1 It is a customary practice that a Committee annually receive a report of its Terms of Reference.

2. ALTERNATIVE OPTIONS

- 2.1 No alternative practice in respect of this report occurs in the Authority.

3. DETAILS OF REPORT

- 3.1 Following the Annual General Meeting of the Council, the various committees established will note their Terms of Reference, quorum and membership for the forthcoming Municipal Year. These are set out in the appendices to the report.
- 3.2 The Committee's meetings for the remainder of the year, as agreed at the Annual General Meeting of the Council (on 17th May 2017), are as set out in the appendices to this report.
- 3.3 In accordance with the agreed calendar, meetings are scheduled to take place at 7.00pm unless the meeting takes place during Ramadan, whereupon the meeting will take place at an earlier time. There are currently no meetings of the Committee scheduled during Ramadan in 2017/18.
- 3.4 The Committee's Terms of Reference have recently been amended, as a general review of the Constitution has been conducted by the Monitoring Officer (which has previously been reported to the Committee). Appendix 1 details the Committee's current Terms of Reference, which were approved by Full Council on 22 March 2017.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 There are no specific financial implications arising from the recommendation within this report.

5. LEGAL COMMENTS

- 5.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 17th May 2017.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and known dates of religious holidays and other important dates where at all possible.

7. BEST VALUE (BV) IMPLICATIONS

7.1 There are no specific Best Value considerations arising from the recommendation in the report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no specific SAGE implications arising from the recommendation in the report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 There are no specific Risk Management implications arising from the recommendation in the report.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1 – Committee Terms of Reference
- Appendix 2 – Membership of the Committee in 2017/18
- Appendix 3 – Dates of scheduled meetings of the Committee in 2017/18

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE

Officer contact details for documents:

- Joel West, Senior Committee Officer 020 7364 4207

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General Purposes Committee Terms of Reference

Membership: Nine (9) Councillors (each political group may appoint up to three (3) substitutes)	
Functions	Delegation of Functions
This Committee is responsible for a range of non-executive functions, including electoral matters, personnel issues and appeals. It also has responsibility for considering and making recommendations to Full Council on the introduction, amendment or revocation of new byelaws and can consider and make non-material changes to the Council's Constitution	-
<ol style="list-style-type: none"> 1. To exercise powers in relation to the holding of elections and the maintenance of the electoral register including: <ol style="list-style-type: none"> (a) the provision of assistance at European Parliamentary elections; (b) power to make submissions to the Local Government Commission in relation to the boundaries of the borough or ward boundaries; and (c) the appointment of a proper officer for the purposes of giving various notices in relation to elections and referenda (e.g. in relation to the verification number for petitions for a referendum under Local Government Act 2000). 	None
<ol style="list-style-type: none"> 2. Appointments of officers, Members or other persons to external bodies on behalf of the Council, where the appointment is not the responsibility of the Mayor 	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of the Constitution
<ol style="list-style-type: none"> 3. To recommend to Council the introduction, amendment or revocation of byelaws 	None
<ol style="list-style-type: none"> 4. Appointment and revocation of local authority school governors 	None
<ol style="list-style-type: none"> 5. To make changes to the membership and substitute membership of committees appointed by the Council and their subordinate bodies, consistent with the proportionality rules 	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in

	accordance with Part 3.12.2 of the Constitution
6. To consider and make non-material changes to the Council's Constitution upon the recommendation of the Monitoring Officer	None
7. To determine major policy on the terms and conditions on which staff hold office within allocated resources	None
8. To agree any negotiated settlement, in relation to a senior executive in circumstances which do not amount to a dismissal that may be proposed in accordance with the Council's Pay Policy Statement	None
9. To determine the criteria for the appointment of the Head of Paid Service and other statutory and non-statutory chief officers and deputy chief officers and to establish Appointments Sub-Committees to consider such appointments	None
10. To make recommendations to Full Council on the appointment of the Head of Paid Service	None
11. To establish a Sub-Committee to consider any proposal to discipline and/or dismiss the Head of the Paid Service, the Monitoring Officer or the Chief Financial Officer in accordance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution and to appoint a minimum of two (2) 'Independent Persons' to such Sub-Committee	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of the Constitution

<p>12. To consider and determine any appeal in respect of any function for which the Council is responsible (except where statutory arrangements exist or where the appeal function is delegated elsewhere in the Constitution) including:</p> <p>(a) Education awards appeals;</p> <p>(b) Appeals by governing bodies;</p> <p>(c) Appeals by employees under human resources procedures requiring a Member level decision; and</p> <p>(d) Appeals in respect of refusals to register premises under the Marriage Act 1994 or the attachment of any condition to an approval</p>	None
<p>13. To establish Employee Appeals Sub-Committees and other Appeals Sub-Committees as appropriate to be convened by the Corporate Director, Law, Probity and Governance for determination of the above appeals referred to in paragraph 12 above. Such Sub-Committees to comprise a maximum of five (5) Members of the Council with a quorum of three (3) and as far as possible to reflect ethnicity and gender balance</p>	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of this Constitution
<p>14.</p> <p>(a) Any other functions which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may not be the responsibility of the Executive and which are not delegated elsewhere under this Constitution</p> <p>(b) In cases of emergency or extreme urgency any non-executive function delegated under this Constitution whether or not reserved to the Council and where the Chief Executive does not consider it appropriate to exercise his/ her power in relation to such decisions under Part 2, Article 12.06(c)(ii) of this Constitution</p>	None
<p>Quorum: Three (3) Members of the Committee</p>	

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GENERAL PURPOSES COMMITTEE MEMBERSHIP 2017/18 (Nine members of the Council)				
<i>Labour Group (5)</i>	<i>Independent Group (2)</i>	<i>Conservative Group (1)</i>	<i>People's Alliance of Tower Hamlets (1)</i>	<i>Ungrouped (0)</i>
Cllr Danny Hassell (Chair) Cllr Denise Jones Cllr Josh Peck Cllr Helal Uddin Cllr Abdul Mukit Substitutes:- <i>Cllr Rajib Ahmed</i> <i>Cllr Ayas Miah</i> <i>Cllr Candida Ronald</i>	Cllr Muhammad Ansar Mustaquim <i>Vacancy</i> Substitutes:- None	Cllr Craig Aston Substitutes:- <i>Cllr Peter Golds</i>	Cllr Aminur Khan Substitutes:- None	N/A

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APPENDIX 3

GENERAL PURPOSES COMMITTEE - SCHEDULE OF MEETINGS 2017/18

1. 7.00pm, Wednesday 5th July 2017
2. 7.00pm, Wednesday 12th October 2017
3. 7.00pm, Wednesday 24th January 2018
4. 7.00pm, Wednesday 4th April 2018.

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Non-Executive Report of the: General Purposes Committee 5 July 2017	 TOWER HAMLETS
Report of: Debbie Jones, Corporate Director (Children's Services)	Classification: Unrestricted
Local Authority Governor Application	

Originating Officer	Runa Basit
Wards affected	All

By virtue of section 100A of the Local Government Act 1972 and paragraphs and 2 of Schedule 12A of the Local Government Act 1972, the five appendices to this report are Exempt as they contains Information relating to any individual and/ or Information which is likely to reveal the identity of an individual. Specifically, these Appendices consist of application forms and which contain personal data regarding the applicants. The Report is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the appendices as the Council would be in breach of the principles in the Data Protection Act if it did so.

1. SUMMARY:

This report sets out for Members details of applicants who have applied to be nominated as the local authority governor at Tower Hamlets maintained schools.

2. RECOMMENDATION:

The General Purposes Committee is recommended to:

- 2.1 Consider the applications and agree to nominate the applicants to the positions that are available for local authority governors at maintained schools in Tower Hamlets.

3. REASONS FOR DECISION

- 3.1 The School Governance (Constitution) (England) Regulations 2012 set out the process for the appointment of local authority governors to maintained schools. The Regulations allow for the local authority to nominate a person to fill the position of local authority governor. It is for the governing body to appoint that person if the governing body considers the person meets any eligibility criteria that it has set.
- 3.2 The governor nominations in this report are to fill the current LA governor vacancies.

4. ALTERNATIVE OPTIONS:

Background - LA appointed governors

- 4.1 To improve the efficiency for appointing local authority governors to school vacancies, the General Purposes Committee at a meeting held on Wednesday 15 February 2006 made the decision to delegate authority to the Corporate Director (Children, Schools & Families) to appoint and revoke the appointment of local authority governors, except where there was a dispute about an appointment or there was more than one applicant for a post in which case the Committee would decide the appointment.
- 4.2 At a meeting on 29 November 2011, the Council resolved to amend the constitution and the terms of reference of the General Purposes Committee were amended. The committee is now responsible for the appointment and revocation of local authority school governors.
- 4.3 As this is a function of the local authority there is no alternative option.

5. LOCAL AUTHORITY GOVERNOR NOMINATIONS AND APPOINTMENTS

- 5.1 Applications to be nominated as the local authority governor to five schools are attached as Appendices to this report in the restricted area of the agenda.

6. APPLICATIONS

New application

- 6.1 The Headteacher and Chair of Clara Grant Primary School are in support of this application and provided the following statement.

Tom is very suitable for our next LA governor, particularly with his experience in his local primary schools; this is just what we want.

Tom is an experienced school leader and feels that he could contribute to the governors meetings at Clara Grant. Tom understand all aspects of school

leadership including, budget, curriculum, behaviour, T+L, assessment and data and staff development.

Tom has 12 years teaching in inner London schools. Five years of leadership team experience. Three years as an assistant headteacher.

Mr Tom Phillips's application is enclosed at **Appendix 1**.

6.2 The Chair of Governors and Headteacher of Marnier Primary school are in support of this application and provided the following statement:

When meeting with Obi, he was warm and engaging. Moreover his experience with funding would benefit the Governing Body because this is one of the key areas identified by the GB through a skills audit review.

Obi expressed commitment to the role and was enthusiastic. He stayed on to observe a Governing Body meeting that took place the same day and asked good questions, enabling all of us to develop our thinking. His contributions were valuable and demonstrated careful thought processes which would support us in making informed decisions.

Most importantly, Obi is passionate about education, improving the quality of provision, raising standards and making a difference to his local community. He lives in Tower Hamlets and clearly understood the commitment he would have to make in terms of attending meetings regularly.

On meeting Obi, we hoped he would be part of our governing body and highly recommend his appointment for a post that has been vacant for quite some time now. The Governing Body wanted a governor with skills and expertise that would ensure the school continues to grow and be successful.

Mr Obi Anyanwu's application is enclosed at **Appendix 2**.

6.3 The Headteacher and Chair of Kobi Nazrul Primary School are in support of this application and provided the following statement:

Avril has been headteacher of Sir William Burrough, an outstanding state-funded academy, for nearly twenty years and has worked in Tower Hamlets schools for over forty years. She is an accredited National Leader of Education, and advises headteachers locally, nationally and internationally.

Avril's work as a member of the Interim Executive Board of Kobi Nazrul Primary School for the last 3 years, has successfully seen the school rapidly rise from a period of requiring special measures to the school being judged as 'good' by Ofsted. The development of the school has continued to go from strength to strength and Avril's support and challenge has contributed significantly – particularly with regards to teaching and learning. As the headteacher, I have particularly valued Avril's wisdom, scrutiny and advice and would be most

grateful to continue this formally through governance with Avril being a local authority governor.

Ms Avril Newman's application is enclosed at **Appendix 3**.

6.4 The Headteacher of St Paul's and St Luke's CoE Primary School is in support of this application and provided the following statement:

Colin McLennan has offered his services to our school as a governor. He visited the school earlier this year and spent the morning looking around the school and speaking to me about the needs of our pupils, the challenges the school faces in terms of funding and the expectations of the governor role. In his professional role as a fundraiser, I believe he will bring useful skills to the role which will benefit the school. During his visit he expressed his interest in helping the school with fundraising.

Colin has attended two governors' meetings and one full Governing Body meeting as an observer. He showed a great deal of interest in the topics we discussed and asked questions to improve his understanding and knowledge. He also attended a 'welcome' meeting with the chair of governors.

I believe that from my experience of meeting Colin on four separate occasions and his evident interest in the role and our school, I am confident that he will be a valuable addition to our governing body.

Mr Colin McLennan's application is enclosed at **Appendix 4**.

6.5 The Chair and Headteacher of Bangabandhu Primary are in support of this application. The Chair provided the following statement:

A resident of Bethnal Green, Kevin is active in the local community and keen to increase his involvement in local affairs.

As a director of his own small business, his management and financial knowledge and experience will be particularly helpful to the Governing Body (GB) of the school. Through his work Kevin currently chairs the professional body of talent agencies (the PMA) and, as such, sits on various committees and liaison bodies. He is therefore eminently well-placed to serve on the GB of Bangabandhu Primary School. In my dealings with him so far, I have found him to be fair, un-prejudiced and measured in his approach to discussion. He believes strongly in an open, honest process to decision making. Kevin's work requires him to have strong communication and negotiation skills which, with his leadership experience and the team-working skills that come with being part of a small group of co-workers, will be an asset to the GB.

On a more specific note, his extensive experience in the arts together with his clear commitment to equalities would be of great use to the school in a Link Governor role. I am confident that Kevin will be a strong addition to the GB as LA Governor and am very happy to support his nomination.

Mr Kevin Brady's application is enclosed at **Appendix 5**.

7. COMMENTS OF THE CHIEF FINANCE OFFICER

7.1 There are no financial implications arising from the recommendations in this report.

8. LEGAL COMMENTS

8.1 Section 19 of the Education Act 2002 requires each maintained school to have a governing body, which is a body corporate constituted in accordance with the Regulations. Each maintained school is required to have an instrument of government, which specifies the membership of the governing body. Regulations require a governing body to include person appointed as a local authority governor and for a number of associated matters.

8.2 The 2012 Regulations detail the composition of the governing body and the appointment of governors, including local authority governors. The 2012 Regulations provide that there can be only one local authority nominated governor. A local authority governor is a person who is nominated by the local authority and is appointed by the governing body after being satisfied that the person meets any eligibility criteria set by the governing body. It is for the governing body to decide whether the Local Authority nominee has the skills to contribute to the effective governance and success of the school and meets any eligibility criteria they have set. If the governing body has set eligibility criteria, then these should be notified at the meeting, so the Committee can consider them before making a nomination.

8.3 Schedule 4 to the 2012 Regulations set out the circumstances in which a person is qualified or disqualified from holding or continuing in office as a governor, details of which are as follows –

- A person who is a registered pupil at a school is disqualified from holding office as a governor of the school.
- A person must be aged 18 or over at the date of appointment to be qualified to be a governor.
- A person cannot hold more than one governor post at the same school at the same time.
- A governor who fails to attend meetings for six months without the consent of the governing body becomes disqualified from continuing to hold office.
- A person is disqualified from holding or continuing in office if: (1) his or her estate is sequestered (under bankruptcy) or the person is subject to a bankruptcy restrictions order or an interim order; (2) he or she is, broadly speaking, disqualified from being a company director; (3) he or she has been removed from office as trustee of a charity; (4) he or she has a criminal conviction of a specified kind within a specified time

period; (5) he or she is subject to a specified prohibition or restriction on employment, such as being barred from 'regulated activity' relating to children under the Safeguarding of Vulnerable Groups Act 2006; or (6) he or she refuses to apply for a criminal records certificate when requested to do so by the clerk to the governing body.

- A person is disqualified from appointment as a local authority governor if he or she is eligible to be a staff governor.

8.4 Once appointed, a governor will hold office for a fixed period of four years from the date of appointment, except in a limited number of circumstances. This does not prevent a governor from being elected for a further term. A governor may resign, be removed or be disqualified from holding office in the circumstances specified in the relevant Regulations.

8.5 In determining whether to appoint an authority governor, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. The Committee will wish to be satisfied that the process of selection is fair, open and consistent with furtherance of these equality objectives.

8.6 The Council's Constitution gives the General Purposes Committee responsibility for appointment of local authority school governors.

9. ONE TOWER HAMLETS CONSIDERATIONS

9.1 Local Authority Governors are drawn from all sectors of the community. There is a mechanism in place to ensure, as far as possible, that the composition of governing bodies reflects the makeup of the school and wider community.

10. BEST VALUE (BV) IMPLICATIONS

10.1 There are no best value implications arising from the report.

11. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

11.1 There are no SAGE implications in the report.

12. RISK MANAGEMENT IMPLICATIONS

12.1 Governors have a crucial strategic role in promoting school improvement and supporting Headteachers and staff in their work. Their statutory responsibilities and duties require a range of skills. There is a risk that the local authority will not be able to meet governing body requirements for

particular skills. The LA engages in a number of activities to ensure a range of applications from the community and local business.

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 13.1 The proposals in the report do not have an impact in relation to the reduction of crime and disorder.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.


Appendices

- Appendices 1 – 5 [EXEMPT]. LA Governor Application Forms

Officer contact details for documents:

- Runa Basit

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Non-Executive Report of the: General Purposes Committee 5 th July 2017	
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Revised Planning Code of Conduct	

Originating Officer(s)	Paul Greeno
Wards affected	All

Summary

This report advises of a proposed revised Planning Code of Conduct at Part 5.2 of the Tower Hamlets Constitution.

Recommendations:

The General Purposes Committee is recommended to:

1. Note the revised Planning Code of Conduct in Appendix 1 of the report;
2. Note that Planning Code of Conduct is part of the Council's ethical framework and should be read in conjunction with the Councillors' Code of Conduct and the Member/ Officer Protocol;
3. Consider the Code and advise on the adoption or revision of the Code including whether the Development Procedure Rules should be an Appendix to the Code;
4. Note that pursuant to Part 1 Paragraph 4.02 of the Constitution the adoption and amendment of the revised Licensing Code of Conduct is a matter for Council; and
5. Recommend to Council the revised Planning Code of Conduct.

1. REASONS FOR THE DECISIONS

- 1.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2 Article 15 of the Constitution it is a Monitoring Officer role to review the Constitution.
- 1.2 The Planning Code of Conduct is an important Constitutional document as it is part of the Council's ethical framework and is in addition to the Councillors' Code of Conduct adopted under the provisions of the Localism Act 2011.
- 1.3 Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions.

2. ALTERNATIVE OPTIONS

- 2.1 The Council can decide not to adopt a revised Policy.

3. DETAILS OF REPORT

- 3.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2 Article 15 of the Constitution it is a Monitoring Officer role to review the Constitution.
- 3.2 The Planning Code of Conduct is an important Constitutional document as it is part of the Council's ethical framework and is in addition to the Councillors' Code of Conduct adopted under the provisions of the Localism Act 2011.
- 3.3 Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions.
- 3.4 The Code is also designed to assist Councillors in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.

- 3.5 This Code applies to Councillors at all times that they are involved in the planning process. This would include, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 3.6 Appendix 1 contains the revised proposed Code. Reasons for suggesting changes to the current Code of Conduct fall into 4 categories:
- (i) Changes that bring the Code up to date in terms of legislative context, the organisational structure of the Council and/or current terminology;
 - (ii) Improvements to achieve better consistency with other documents in terms of content and style and structure;
 - (iii) The addition of information/explanation to aide understanding;
 - (iv) Material changes to the Code that will require members and/or officers to conduct themselves differently than under the existing Code
- 3.7 Changes relating to (i) and (ii) above have been made to all sections of the document and, as they are not material, have not been singled out.
- 3.8 Changes to sections relating to categories (iii) and (iv) above are identified in Table 1 below as it was felt that these changes in particular should be brought to members attention.

Table 1: Changed sections and reason for change

	Changes to improve quality/clarity of information or explanation		Material changes to the Code affecting members and / or officers	
	Current Version	Proposed New Version	Current Version	Proposed New Version
Planning Code	1. Introduction 4. Contact with Applicants, Developers and objectors 7. Pre-application discussions 8. Post-submission application discussions 5. Lobbying of Councillors 6. Lobbying By Councillors 9. Site Visits 11. Relationship between Members and Officers 12. Applications submitted by members, officers and the Council 13. Decision Making	1. Introduction 8. Pre-meetings, presentations and briefing sessions 7. Lobbying 9. Site Visits 10. Relationship between Members and Officers 5. Application by a Member or Officer 6. Application by the Council 13. Decision Making	2. Development of proposals and interests under the members Code of Conduct 3. Pre-determination in the planning process 14. Training 15. Appendix 1- Council Guidelines for determining planning applications	3. Interests 4. Predisposition, pre-determination or bias 2. Training of Councillors Appendix 1- Council Guidelines for determining planning applications 10. The Role of the Executive 11. Conduct at the committee 14. Record Keeping Appendix 2 – Do's and Do Not's

- 3.9 The revised Code has been discussed with Planning Officers.
- 3.10 On 23rd March 2017, a report on the Planning Code of Conduct was discussed at the Strategic Development Committee and a result of the discussion at that meeting changes have been made to section 7 Lobbying and Section 9 Site Visits.
- 3.11 The changes to lobbying are to make it clearer that there is no problem with lobbying per se but it is important that Councillors who are lobbied follow the principles laid out within the Code and that where it is Councillors doing the lobbying that they do not seek to attempt to persuade or put pressure on the Councillor that they should vote in a particular way.
- 3.12 The changes to site visits is to recognise that whilst Councillors can make comments and ask appropriate questions during the site visit they should avoid expressing opinions which can cause the perception of bias or predetermination. Further Councillors shall not make a decision whilst on site.
- 3.13 On 10th May 2017, a report on the Planning Code of Conduct was discussed at the Development Committee. At that meeting, it was raised that the code of conduct should cover 'access to information' to enable informed decision making by members. This was on the basis that it was said that planning officers currently restrict the information they provide to members in their officer reports and that there therefore needs to be a section in the Planning Code of Conduct which will enable member to receive full information on the proposals as part of the officers' report. This relates to the provision of a full set of pictures and plans.
- 3.14 This is a matter that could be better addressed in the Development Procedure Rules and these Rules are being revised at this time and are currently with Planning Officers for consideration. This point on further information in reports has also been referred to Planning Officers for consideration.
- 3.15 Generally as to the Development Procedure Rules, these are at Part 4.8 of the Constitution and are therefore separate to the Planning Code of Conduct. When the Licensing Code of Conduct was recently revised, the Rules of Procedure for applications were included as appendices. For consistency, it is considered that the Development Procedure Rules should also be an appendix to the Planning Code of Conduct.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 There are no financial implications arising from the recommendations within this report.

5. LEGAL COMMENTS

- 5.1 Any legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The provisions of the revised Planning Code are designed to ensure that planning decisions are taken on proper planning grounds; in a fair consistent and open manner; and that Councillors making such decisions are, and are perceived as being, accountable for those decisions. The Code is also designed to assist Councillors in dealing with and recording approaches from applicants, developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved. In implementing the Code, Members will ensure that decisions are taken for planning reasons only and should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The report does not propose any direct expenditure. Rather, it is concerned with ensuring that planning decisions are taken on proper planning grounds; in a fair consistent and open manner; and that Councillors making such decisions are, and are perceived as being, accountable for those decisions. Whilst this might not lead to fewer appeals, the implementation of the Code should result in a much decreased chance of success on such appeals and which should reduce cost implications for the Council on any such appeals.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 It is not considered that there are any environmental implications if this revised Code is ultimately adopted.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The provisions of the revised Planning Code are designed to ensure that planning decisions are taken on proper planning grounds; in a fair consistent and open manner; and that Councillors making such decisions are, and are perceived as being, accountable for those decisions. The overall aim is therefore to reduce risk.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 In considering Planning applications, the Council has to have regard to Crime and Disorder and by ensuring that planning decisions are taken on proper planning grounds this should reduce assist reduce crime and disorder.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 - Proposed Revised Planning Code of Conduct.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

- N/A

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Part 5.2 Planning Code of Conduct

DRAFT

Date Last Reviewed:	5 th December 2016
Reviewed By:	Senior Corporate and Governance Legal Officer
Approved By:	Council
Date Approved:	5 th December 2016
Version No.	1
Document Owner:	Paul Greeno
Post Holder:	Senior Corporate and Governance Legal Officer
Date of Next Scheduled Review:	31 st March 2018

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1. INTRODUCTION

- 1.1** The Planning Code of Practice has been adopted by Tower Hamlets Council to regulate the performance of its planning functions. Its major objectives are to guide Councillors and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers.

- 1.2** The Planning Code of Conduct is in addition to the Code of Conduct for Members adopted under the provisions of the Localism Act 2011. Councillors should follow the requirements of the Code of Conduct for Members and apply this Code in light of that Code. The purpose of this Code is to provide more detailed guidance on the standards to be applied specifically in relation to planning matters.
- 1.3** Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions. The Code is also designed to assist Councillors in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.
- 1.4** This Code applies to Councillors at all times that they are involved in the planning process. This would include, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.5** This Code is part of the Council's ethical framework and in addition to the Code of Conduct for Members should be read in conjunction with the Member/Officer Protocol. If a Councillor does not abide by the Code then that Councillor may put the Council at risk of proceedings on the legality or maladministration of the related decision and the Councillor may be at risk of either being named in a report to the Standards Advisory Committee or Council. A failure to abide by the Code is also likely to be a breach of the Code of Conduct for Members and which could result in a complaint being made to the Monitoring Officer.
- 1.6** **If a Councillor has any doubts about the application of this Code to their own circumstances they should seek advice early, from the Monitoring Officer and preferably well before any meeting takes place.**

2. PREDISPOSITION, PREDETERMINATION OR BIAS

- 2.1 Section 25 of the Localism Act 2011 ('the 2011 Act') provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.
- 2.2 As to predetermination, this is a legal concept and is used in situations where a decision maker either has, or appears to have, a closed mind. That is s/he has made up his/her mind in advance of proper consideration of an issue and the merits of an application. Section 25 of the 2011 Act does not amount to the abolition of the concept of predetermination however, as no one should decide a case where they are not impartial or seen to be impartial. Critically, Councillors need to avoid any appearance of bias or of having a predetermined view before taking a decision. Indeed, Councillors should not take a decision on a matter when they are actually biased in favour or against the application, or where it might appear to a fair and informed observer that there was a real possibility of bias, or where a Councillor has predetermined the matter by closing his/her mind to the merits of the decision.
- 2.3 Any planning decision made by a Councillor who can be shown to have approached the decision with a closed mind will expose the Council to the risk of legal challenge.
- 2.4 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition).
- 2.5 If a Councillor considers that s/he does have a bias or cannot be impartial then they **must** withdraw from considering that application.
- 2.6 Councillors should note that, unless they have a disclosable pecuniary interest or a significant personal interest (see section 3 below), they will not appear to be predetermined through-
- listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to

prejudging the issue and the Councillor makes clear that they are keeping an open mind;

- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Councillor, provided the Councillor explains their actions at the start of the meeting or item and makes it clear that, having expressed the opinion or ward/local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

2.7 The following advice applies:

- Councillors must not make up their mind, or appear to have made up their mind on how they will vote on any planning matter prior to formal consideration of the matter at the meeting of the Committee and of the Councillor hearing the officer's presentation and evidence and arguments on both sides. This includes deciding or discussing how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so. If a Councillor has an interest in a local lobby group or charity or pressure group they may appear predetermined by their actions and/ or statements made in the past. The Councillor should take advice from the Legal Adviser to the Committee on how to deal with this.
- It must be noted that if a Councillor is predetermined then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or predetermination or, a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- A Councillor may appear pre-determined where the Council is the landowner, developer or applicant and the Councillor has acted as, or could be perceived as being, a chief advocate for the proposal. This would amount to more than a matter of membership of both the Cabinet and Development Committee, but that through the Councillor's significant personal involvement in preparing or advocating the proposal the Councillor will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits. (See Section 6 below for guidance on applications submitted by the Council).
- Councillors should recognise that in being a Councillor of a political group they are allowed to be predisposed in relation to planning policies of the Council or to planning policies of the Councillor's political party, providing that predisposition does not give rise to a public perception that the Councillor has due to his/ her political

membership predetermined a particular matter. (See Section 7 below relating to Lobbying).

- When considering a planning application or any other planning matter Councillors must:
 - act fairly and openly;
 - approach each planning issue with an open mind; carefully weigh up all relevant issues; and
 - determine each item on its own planning merits

- And Councillors must not:
 - take into account irrelevant issues;
 - behave in a manner that may give rise to a public perception that s/he may have predetermined the item; and
 - behave in such a manner which may give rise to a public perception that s/he may have been unduly influenced in reaching a decision.

3. INTERESTS

3.1 In order to avoid allegations of bias it is important that Councillors are scrupulous in declaring interests at the meeting.

3.2 Chapter 7 of the 2011 Act places requirements on councillors regarding the registration and disclosure of their pecuniary interests ('DPI') and the consequences for a councillor taking part in consideration of an issue in the light of those interests. The definitions of DPI taken from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are set out in paragraph 5.1 of the Members' Code of Conduct. A Councillor must provide the Monitoring Officer with written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Councillor becoming aware of such changes. A failure to register or declare a DPI or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a Councillor has a DPI, are criminal offences.

3.3 A DPI relating to an item under discussion requires the immediate withdrawal of the Councillor from the Committee. In certain circumstances, a dispensation can be sought from the Monitoring Officer to take part in that particular item of business and which could arise where the Councillor is the applicant or has made a representation for or against the application.

3.4 Having regard to the requirement that a Councillor who has an interest in an application must be disqualified from considering it, then consideration must

also be given to personal interests. A personal interest in a matter arises if a Councillor anticipates that a decision on it might reasonably be regarded as affecting (to a greater extent than other council tax payers, ratepayers or residents of the Council's area) the well-being or financial position of the Councillor, a relative or a friend or

- the employment or business carried out by those persons, or in which they might be investors (above a certain level)
- any of the bodies with which the Councillor is associated, and which the Councillor will have registered in the register of interests.

3.5 If a Councillor has a personal interest in any planning then the Councillor shall, if present, disclose the existence and nature of the interest at the start of the meeting and, in any event, before the matter is discussed or as soon as it becomes apparent. The full nature of the interest must be declared. If, in accordance with the Members' Code of Conduct, the interest is 'sensitive', the Councillor must disclose to the meeting that s/he has an interest that is sensitive but need not disclose the nature of the interest or any other sensitive information. The declaration and disclosure of a personal interest does not usually debar a Councillor from participation in the discussion provided that the personal interest is not so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest (see 3.6 below).

3.6 The position is different however where a member of the public, with knowledge of the relevant facts, would reasonably regard the personal interest as so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest. Examples of this are the Councillor is working closely with a developer or a group of objectors to achieve a certain outcome; lobbying other Councillors on the Committee; acting as an agent for a person pursuing a planning matter with the Council; or generally declaring voting intentions ahead of the meeting etc.

3.7 A Councillor with a personal interest which might appear to a fair and informed observer that there was a real possibility of bias must not participate in the discussion on the application and must leave the room immediately when the discussion on the item begins or as soon as the interest becomes apparent. S/he cannot seek to influence the decision, save that if a member of the public has the right to attend the meeting, make representations, answer questions etc., then a Councillor will have the same right. Once the Councillor has exercised that right then the Councillor must withdraw from the room for the rest of that item and play no further part in the discussion or vote.

3.8 Being a Councillor for the ward in which particular premises is situated is not necessarily declarable and as a general rule Councillors of the Committee may deliberate on matters affecting their wards provided they do so with an open mind. Councillors should remember, however, that their overriding duty is to the whole community not just to the residents and businesses within their ward. Councillors have a duty to make decisions impartially, and should not improperly favour, or appear to improperly favour, any person, company, group or locality. If a Councillor feels that they must make representations for their ward then the Councillor can declare this and make representations but must then leave before the debate and vote.

3.9 More information on what constitutes an interest as well as the obligation on Councillors to register their interests is contained in the Code of Conduct for Members set out in Part 5.1 of the Constitution. The ultimate responsibility for fulfilling these requirements rests with individual Councillors but the Council's Monitoring Officer or the Divisional Director Legal are available to give advice if required.

4. TRAINING OF COUNCILLORS

4.1 As the technical and propriety issues associated with planning are not straightforward, Councillors who sit on either the Development Committee or the Strategic Development Committee must participate in a programme of training on the planning system and related matters agreed by and organised by officers. The programme will consist of compulsory and discretionary elements. If a Councillor fails to participate in the compulsory elements of the training this may result in that Councillor being asked to stand down as a Councillor of relevant Committee.

4.2 Councillors should be aware that training is particularly important for those who are new to the Development Committee and for Councillors who have not attended training in the recent past. Other Councillors are free to attend the training in order to gain an understanding of planning issues.

4.3 The compulsory training programme will cover issues relating to probity in planning, principles in planning to reflect government guidance and case law. Discretionary training will seek to extend Councillors' knowledge of planning law, regulations, procedures, Codes of Practice, Development Plans and best practice. The aim of the training is to assist Councillors in carrying out their role properly and effectively.

4.4 Where a Councillor has a genuine difficulty in attending any particular training session officers will try, when practicable, to accommodate a request for an individual or repeat session.

5. APPLICATION BY A COUNCILLOR OR OFFICER

5.1 Councillors may need to determine an application submitted by a Councillor or an officer, or by a company or individual with which a Councillor or officer has an interest or relationship. For the avoidance of doubt, the term Councillor or an officer includes any former Councillors or officers. In such cases, it is vital to ensure that such application is handled in a way that gives no grounds for accusations or favouritism. Accordingly the matter will be dealt with as follows-

- (a) The matter will be referred to the Corporate Director, Development and Renewal, who shall decide whether or not the application should be referred to the relevant Committee, or determined under delegated powers, if the application is in accordance with development plans and all other material planning considerations.
- (b) On receipt of such an application, the Corporate Director, Development and Renewal will pass a copy of the application to the Monitoring Officer who will satisfy himself/herself that the application can be, and is being, processed and determined without suspicion or impropriety.
- (c) If a Councillor or an officer submit their own proposal to the Council which they serve, they must take no part in its processing or the decision making process.
- (d) The Councillor making the application would almost certainly have a DPI and should not address the Committee as the applicant but should appoint an independent agent to represent his/her views.
- (e) Councillors of the Committee must consider whether the nature of any relationship with the person (either a Councillor or an officer) applying for planning permission requires that they make a declaration of interest and if necessary also withdraw from the meeting.
- (f) In respect of former Councillors or former officers the above requirements shall apply for a period of three (3) years following their departure from the Council.

6. APPLICATION BY THE COUNCIL

6.1 Councillors may need to determine an application submitted by the Council for the Council's own development. It is perfectly legitimate for such proposals to be submitted to and determined by the Local Planning Authority. Proposals for such development should be treated with the same transparency and impartiality as those of private developers so as not to give rise to suspicions of impropriety.

6.2 If a Councillor has been heavily committed or involved in an area of policy/issue relating to such an application (e.g. as a Cabinet Member), then that Councillor must consider whether they have an interest which should be

disclosed. In such circumstances, the Councillor should seek advice from the Legal Adviser to the Committee

7. LOBBYING

7.1 Lobbying is the process by which applicants and their agents, objectors, non-Committee Councillors and other interested parties seek to persuade Councillors who sit on the Committee to come to a particular decision. It is a legitimate part of the planning process for them to approach Councillors who sit on Committee as these discussions can help Members to understand the issues and concerns. This can happen prior to an application being made or at any time after the application is made.

7.2 Whilst lobbying is a normal and perfectly proper part of the political process, it can cause the perception of bias or predetermination especially when a Councillor must enter the meeting with an open mind and make an impartial determination on the relative merits based on all the evidence presented at the meeting. To avoid such perception if a Councillor is approached s/he should following the principles set out in section 2.6 of this Code and also:

- (a) explain the potentially conflicting position they are in if they express a final opinion on a proposal before consideration at the Committee;
- (b) explain the procedures by which representations can be made;
- (c) explain the kinds of planning issues that the Council can take into account;
- (d) inform the person making the approach that such approach should be made to officers within the Place Directorate or to elected Councillors who are not Councillors of the either the Development Committee or Strategic Development Committee;
- (e) forthwith notify in writing to the Monitoring Officer the fact that such an approach has been made, identifying the application, the nature of the approach, by whom it was made, and the action taken by the Councillor concerned. This should include any offers made of planning gain or constraint of development, through a proposed section 106 Planning Obligation or otherwise; and
- (f) keep an adequate written record so as to enable the Councillor to disclose the fact and nature of such an approach at any relevant meeting of the Committee.

7.3 If the Councillor does discuss the case then in no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would be unfair and detrimental. As stated in 7.2(c) above, the Councillor must keep an adequate written record of the discussion so as to enable the Councillor to disclose the fact and

nature of such an approach at any relevant meeting of the Development Committee.

- 7.4 Councillors should not accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, then the Councillor must comply with the provisions in the Code of Conduct for Members on Gifts and Hospitality.
- 7.5 Councillors should not become a member of, lead or represent a national charity or local organisation whose primary purpose is to lobby to promote or oppose planning proposals. If a Councillor does then it is likely to appear to a fair and informed observer that there is a real possibility of bias and that Councillor will be required to withdraw from the debate and decision on that matter.
- 7.6 Where Councillors contact fellow Councillors regarding their concerns or views they must not seek to attempt to persuade or put pressure on the Councillor that they should vote in a particular way.
- 7.7 In no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would be unfair and detrimental.
- 7.8 Where a Committee member feels that s/he has been unreasonably or excessively lobbied on a particular proposal s/he must make a declaration at the Committee on that application that s/he has been lobbied. Provided that member has followed the principles in this Code then s/he will still be able to speak and vote on the application.

8. PRE-MEETINGS, PRESENTATIONS AND BRIEFING SESSIONS

- 8.1 Councillors should avoid agreeing to any formal meeting with applicants, developers or groups of objectors. If a Councillor considers that a formal meeting would be useful in clarifying the issues, then the Councillor should not seek to personally arrange such a meeting but should request the Divisional Director Planning and Building Control to organise it. If such a meeting takes place it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.
- 8.2 If a Councillor does arrange a private meeting with an applicant, developer, agent or objector then this must be declared at the Development Committee meeting by the Councillor. As in Section 7.2(c) above, the Councillor should keep an adequate written record of the meeting. This record should then be referred to the Divisional Director Planning and Building Control to organise it

so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.

- 8.3** Where there is to be a presentation by applicants/ developers, Councillors should not attend unless it has been organised by an officer. If a Councillor does attend a presentation not organised by officers then the Councillor must inform the Divisional Director Planning and Building Control that s/he has done so. The Councillor should keep an adequate written record of the presentation. This record should then be referred to the Divisional Director Planning and Building Control to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.
- 8.4** When Councillors attend presentations, they should ask relevant questions to clarify their understanding of the proposal. Councillors should be mindful, however, that the presentation is not part of the formal process of debate and determination of any subsequent application and that this will be carried out by the appropriate Development Committee.
- 8.5** Councillors should bear in mind that a presentation is a form of lobbying and they must not express any strong view or state how they or other Councillors might vote. Further Councillors are reminded that if they do attend a presentation then any hospitality or gifts received over the value of £25.00 must be disclosed and registered in the normal way.
- 8.6** Public meetings are sometimes organised as part of the Council's pre-application process (contained in the Council's Planning tool kit). All Councillors are encouraged to participate in such pre-application discussions.
- 8.7** Further where briefing sessions (generally for major applications) have been arranged (by officers) for Councillors following submission of an application then Councillors should attend these sessions as it will give them an opportunity to better understand the Council's planning policies and its economic objectives.
- 8.8** Councillors should note that the Code of Conduct of Member and this Code apply to any of the above meetings, presentations or briefing sessions and that at any subsequent Committee considering the application that Councillors must disclose attendance at any such meetings and/ or presentations.

9. SITE VISITS

- 9.1** Site visits by Councillors determining schemes are an essential part of determining a planning application. It is good practice for Councillors to visit

an application site before a meeting, so that they can familiarise with the site or surrounding area and Councillors should try to attend the pre-Committee site visits organised by officers. A site visit may also assist Councillors in matters relating to the context of the application and the characteristics of surrounding area. Whilst Councillors can make comments and ask appropriate questions during the site visit they should avoid expressing opinions which can cause the perception of bias or predetermination. Further Councillors shall not make a decision whilst on site. Councillors can, of course, rely upon their own local knowledge.

- 9.2** During site visits, Councillors of the Planning Committees shall not engage individually in discussion with applicants or objectors.
- 9.3** On site visits applicants, developers, objectors or other interested parties who attend shall only be permitted to point out to Councillors features to look at either on the site or in the vicinity, which are relevant to the application. No discussion will take place on the merits of the application.
- 9.4** Should it is not possible for a Councillor to attend an organised site visit and a Councillor then carries out a site visit on their own, the guidelines below apply-
- The Councillor must notify the Divisional Director Planning and Building Control of the intention to visit (which will be recorded on the file).
 - The Councillor must carry out the visit discreetly and the Councillor must not make himself/ herself known to the applicants or neighbours.
 - The Councillor must treat the site visit as an opportunity to seek information and to observe the site only. The Councillor must not use the site visit as or allow it to become an impromptu lobbying opportunity for the applicant or objectors.
 - Councillors should not hear representations from the applicant or any other party and the Councillor shall have regard to the provisions on Lobbying in Section 7 above, and advise them that they may make representations in writing to the Council and direct them to relevant officers.
 - Councillors must not express opinions or views on the application to anyone as this may lead to an allegation of apparent bias or pre-determination.
 - Councillors should note that the Code of Conduct for Members and this Code apply to any such visit.
- 9.5** As in Section 7.2(c) above, the Councillor should keep an adequate written record of the site visit, including any new information gained from such visit. This record should then be referred to the Divisional Director Planning and Building Control to organise it so that it will be properly recorded on the

application file and a record of the meeting will be disclosed when the application is considered by the Committee.

- 9.6** Once the application has reached the determination stage, Councillors should not request a site visit unless the Councillor considers that it is really necessary, and the Committee may decide to revisit the site where particular site factors are significant in terms of the weight attached and it would be difficult in the absence of a site visit to assess the application or there are significant policy or precedent implications and specific site factors need to be carefully addressed.

10. THE ROLE OF THE EXECUTIVE

- 10.1 The Executive consists of 10 people, namely the Mayor and 9 Councillors. Each of the 9 Councillors has a specific Portfolio and one of those Portfolios is Strategic Development. The Mayor is responsible for most decisions about day-to-day Council services but this excludes the regulatory council functions such as planning.
- 10.2 Councillors on the Planning Committees have specific responsibility for planning. However, planning is important to all Councillors and can help deliver other local objectives. Further, planning takes account of wider, long-term public interests including the environment, economic growth and prosperity, a cohesive and empowered society, good health and wellbeing, enhancement of heritage, conservation, local culture and community identity.
- 10.3 The Executive therefore has an interest in Strategic Planning: hence the Member of the Executive with the Strategic Development portfolio. As such, the Mayor, the lead Member and other Members of the Executive may be approached regarding or become involved in planning applications. This is perfectly acceptable but where the Mayor, the lead Member or other Members of the Executive are approached or become involved then this Code of Conduct also applies to them, particularly paragraphs 6, 7, 8 and 10. Further, they should not attend the pre-Committee site visits organised by officers unless they sit on the Planning Committee.
- 10.4 Additionally, Councillors of the Executive should not meet to discuss how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so.

11. RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

- 11.1** Councillors shall not attempt in any way to influence the terms of the officers' reports upon any application including a particular recommendation.

Officers are advising Councillors. They must give impartial policy advice on planning considerations and the recommendations as set out in the report without seeking to persuade Councillors. (This does not prevent a Councillor from asking questions or submitting views to the Divisional Director Planning and Building Control, which may be incorporated into any Committee report).

- 11.2** Any criticism by Councillors of an officer in relation to the handing of any application should be made in writing to the Corporate Director, Development and Renewal and/ or the Monitoring Officer rather than to the Officer handling the application.
- 11.3** If any officer feels or suspects that pressure is being exerted upon him/her by any Councillor in relation to any particular application, s/he shall forthwith notify the matter in writing to the Monitoring Officer.
- 11.4** If any officer of the Council who is involved in dealing with any application has had any involvement with an applicant, developer or objector, whether or not in connection with the particular application being determined, which could possibly lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare this interest in the public register held by the Monitoring Officer and take no part. This public register is to be available for inspection at the Development Committee meeting.
- 11.5** No officer of the Council shall engage in any paid work for any planning matter for which Tower Hamlets is the Planning Authority other than on behalf of the Council.

12. CONDUCT AT THE COMMITTEE

- 12.1** Councillors must not only act fairly but must also be seen to act fairly. Councillors must follow agreed procedures at all times and should only ask questions at the appropriate points in the procedure. At no time should a Councillor express a view which could be seen as pre-judging the outcome. During the course of the meeting Councillors should not discuss (or appear to discuss) aspects of the case with the applicant, a developer, an objector, their respective advisers or any member of the public nor should they accept letters or documents from anyone other than an officer from Democratic Services or the Legal Advisor to the Committee.
- 12.2** Councillors of the Committee shall refrain from personal abuse and party-political considerations shall play no part in the Committee's deliberations. Councillors shall be respectful to the Chair and to each other and to officers and members of the public including applicants, developers, objectors and their representatives and shall not bully any person.

- 12.3** When asking questions at a meeting, Councillors shall ensure that their questions relate only to planning considerations relevant to the particular application.
- 12.4** The Committee must ensure that they hear the evidence and arguments for and against the application and approach each planning issue with an open mind.
- 12.5** If a Councillor arrives late for a meeting, s/he will not be able to participate in any item or application already under discussion. Similarly, if a Councillor has to leave the meeting for any length of time, s/he will not be able to participate in the deliberation or vote on the item or application under discussion at the time of their absence. If a Councillor needs to leave the room, s/he should ask the Chair for a short adjournment
- 12.6** It is permissible for the Chair of the meeting to curtail statements of parties if they are merely repeating matters which have already been said.
- 12.7** In considering the application, Councillors are advised that if objections are founded on a demonstrable misunderstanding of the true factual position, or otherwise indicate no more than an uninformed reaction to a proposal then such carry no weight whatever and must be ignored. Further Councillors are advised that the mere number of objections irrespective of their content can never be a good reason for refusing an application. What matters are the grounds on which such are based.

13. DECISION MAKING

- 13.1** When a report goes before the Committee rather than being determined through officer delegation, the reasons why will be set out in the report to the Committee.
- 13.2** Councillors must come to meetings with an open mind and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2007 and section 70(2) of the Town and Country Planning Act 1990, Councillors must make decisions in accordance with the Development plan unless material considerations indicate otherwise. Attached at Appendix A' are the Council's Guidelines for determining planning applications.
- 13.3** Councillors should only come to their decision after due consideration of all of the relevant information reasonably required upon which to base a decision. If it is considered that there is insufficient time to digest new information or that there is simply insufficient information before Councillors then Councillors can request that further information be provided and, if necessary, defer or refuse the application.

- 13.4** Councillors must not take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter. If an application has previously been deferred then the same Councillors will be asked to reconsider the application when it is returned to Committee.
- 13.5** Where Councillors take a decision to defer any proposal then the reasons for Committee's decision must be given and recorded.
- 13.6** When a Councillor is proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan then s/he must clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. The Councillor must be aware that s/he may have to justify the resulting decision by giving evidence in Court or at Enquiry in the event of any challenge.
- 13.7** Prior to deciding the matter before the Committee, Councillors must consider the advice that planning, legal or other officers give to the Committee with respect to the recommendation or any proposed amendment to it.
- 13.8** **At the end of the day, Councillors must bear in mind that they are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. When Councillors take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Councillors must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.**

14. RECORD KEEPING

- 14.1** In order that planning applications are processed properly and that any complaints can be fully investigated, record keeping will be complete and accurate. Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings, significant telephone conversations and any declarations of interests by Councillors. Records will be kept in accordance with the Council's Information Governance Framework and, specifically, the Council's Records Management Policy.

APPENDIX "A"
(To Planning Code of Conduct)

COUNCIL GUIDELINES FOR DETERMINING PLANNING APPLICATIONS
APPLICATIONS UNDER THE TOWN & COUNTRY PLANNING
ACT 1990

- (i) The emphasis in determining applications is upon a plan led system. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires all planning applications to be determined in accordance with the Development Plan (comprised of the London Plan (produced by the Mayor of London), Local Plan and Neighbourhood Plans (should any be adopted)) and any other material considerations. If the Development Plan is material to the application then the statutory position is that the application **must** be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- (ii) The term "other material considerations" has a wide connotation as expressed by the following judicial comment:-
".....I find it impossible, however, to accept the view that such considerations are limited to matters relating to amenity.....it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration".
- (iii) Material considerations include national planning guidance in the form of Government Circulars, Planning Policy Guidance Notes, Non-Statutory Development Control Guidelines and case law. A ministerial statement may be a material consideration.
- (iv) Material considerations can include (but are not limited to):-
- (a) Local, strategic, national planning policies and policies in the Development Plan;
 - (b) Emerging new plans which have already been through at least one stage of public consultation;
 - (c) Government and Planning Inspectorate requirements - circulars, orders, statutory instruments, guidance and advice;
 - (d) Previous appeal decisions and planning Inquiry reports;
 - (e) Principles of Case Law held through the Courts;
 - (f) Loss of sunlight (based on Building Research Establishment guidance);
 - (g) Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of view as such);
 - (h) Overlooking and loss of privacy;
 - (i) Highway issues: traffic generation, vehicular access, highway safety;
 - (j) Noise or disturbance resulting from use, including proposed hours of operation;
 - (k) Smells and fumes;
 - (l) Capacity of physical infrastructure, e.g. in the public drainage or water systems;
 - (m) Deficiencies in social facilities, e.g. spaces in schools;

- (n) Storage & handling of hazardous materials and development of contaminated land;
- (o) Loss or effect on trees;
- (p) Adverse impact on nature conservation interests & biodiversity opportunities;
- (q) Effect on listed buildings and conservation areas;
- (r) Incompatible or unacceptable uses;
- (s) Local financial considerations offered as a contribution or grant;
- (t) Layout and density of building design, visual appearance and finishing materials;
- (u) Inadequate or inappropriate landscaping or means of enclosure; and
- (v) Disabled persons access.

(v) Matters which are not material considerations again can include (but are not limited to):-

- (a) Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.;
- (b) Private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.;
- (c) Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts);
- (d) Opposition to the principle of development when this has been settled by an outline planning permission or appeal;
- (e) Applicant's personal circumstances (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability – see (vi) below);
- (f) Previously made objections/representations regarding another site or application;
- (g) Factual misrepresentation of the proposal;
- (h) Opposition to business competition;
- (i) Loss of property value;
- (j) Loss of view; and
- (k) Personal remarks (e.g. the applicant's motives).

(vi) The personal circumstances of an applicant for planning permission are not generally a material consideration because they do not relate to the character or use of the land. However, in exceptional circumstances they may outweigh other material planning considerations. Where this is the case, specific and valid reasons must be given to justify the exception.

(vii) What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgement for the decision-maker having regard to the planning evidence.

- (viii) It is essential to consider thoroughly any advice given by a statutory consultee or relevant Government Department, including views expressed by English Heritage or the Environment Agency.
- (ix) The view of local residents are relevant when determining a planning application, but it must be recognised that such opposition cannot be a reason in itself for refusing or granting planning permission unless founded on valid planning reasons, which are supported by substantial evidence.
- (x) Account should be taken of previous Council decisions, appeal decisions in relation to the site, or other related appeal decisions.
- (xi) It is not permissible to prevent, inhibit or delay development which could reasonably be permitted.
- (xii) Planning Conditions should only be imposed for a planning purpose and not for any ulterior one. They must fairly and reasonably relate to the development. Thus it is essential to avoid conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.

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DO'S AND DO NOT'S


1. Councillors must:

- (a) Attend compulsory training sessions;
- (b) Be open minded and impartial;
- (c) Declare any actual interest;
- (d) Act solely in the public interest;
- (e) Listen to the arguments for and against;
- (f) Carefully weigh up all relevant issues;
- (g) Ask questions that relate only to planning considerations relevant to the particular application;
- (h) Make decisions on merit and on material planning considerations only;
- (i) Respect the impartiality and integrity of the Council's officers;
- (j) Report any lobbying from applicants, agents, objectors or any other Councillor;
- (k) Promote and support the highest standards of conduct; and
- (l) Promote equality and not discriminate unlawfully against any person, and treat all people with respect;

2. Councillors must not:

- (a) Be biased or give the impression of being biased;
- (b) Improperly confer an advantage or disadvantage on any person nor seek to do so;
- (c) Act to gain financial or other benefit for themselves, their family, friends or close associates;
- (d) Place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a Councillor (e.g. by accepting gifts or hospitality from any person involved in or affected by a planning proposal);
- (e) Place themselves in a position where their integrity might reasonably be questioned;
- (f) Participate in a meeting where they have a DPI;
- (g) Participate in a meeting where they have an interest which does or could be reasonably considered as giving rise to bias; and
- (h) Express opinions during site visits to any person present, including other Councillors.

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<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>5th July 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer</p>	<p>Classification: [Unrestricted]</p>
<p>Update from Constitutional Working Party - Council Procedure Rules (Part 4.1 of the Constitution)</p>	

Originating Officer(s)	Paul Greeno, Senior Corporate and Governance Legal Officer
Wards affected	All

Summary

As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. At the meeting of the Constitution Working Party on 22 June 2017 consideration was given to amending the Council Procedure Rules to facilitate a more open and effective council meeting which in turn would encourage a higher standard of member conduct.

Recommendations:

The General Purposes Committee is recommended to:

1. Approve the proposed new order of business for ordinary Council meetings as set out in Table 1 of this report;
2. Approve the specific proposed changes in paragraph 3.7 of the Report; and
3. Subject to approval of 1 and 2 above that the Council Procedure Rules be revised and that a report with the revised Council Procedure Rules be submitted to the next General Purposes Committee for recommendation to Council.

1. REASONS FOR THE DECISIONS

- 1.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. In that regard, it has been decided that as this is a complete review to report the changes through a Member Constitutional Working Party who will recommend changes to the General Purposes Committee for consideration.
- 1.2 The purpose of the Constitution is to set out how the council operates; how decisions are made; and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. It is therefore important that the Constitution is kept up-to-date so that it can continue to achieve that purpose.
- 1.3 The Constitution has not had a thorough review for some time and therefore a full review of the Constitution is being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.

2. ALTERNATIVE OPTIONS

- 2.1 The Council could decide not to agree a proposed new order of business.

3. DETAILS OF REPORT

- 3.1 This Report is a continuation of papers being presented to the General Purposes Committee Party to update on the Monitoring Officer's review of the Constitution.
- 3.2 This Report specifically relates to Part 4.1 of the Constitution and which sets out the Council Procedure Rules and which are the rules of procedure governing for each of the four (4) types of Council meeting: annual; budget, ordinary, and extra-ordinary.
- 3.3 As part of the Constitution Review, these have been reviewed with specific emphasis on applying the principles of good governance, specifically:
 - (a) promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;

- (b) taking informed and transparent decisions which are subject to effective scrutiny and managing risk; and
- (c) members and officers working together to achieve a common purpose with clearly defined functions and roles.

3.4 Having regard to the above principles, the following were considered:

- (a) How well do our meetings work?
- (b) What could we do to make them more productive and do our business more effectively?
- (c) How well do we explain the reasons for our decisions to all those who might be affected by them?
- (d) Are decision-making processes properly adhered to?
- (e) How do we ensure the Council maintains a key role in debating decisions?
- (f) How do we balance the time given to the different functions of Council (public participation, debate on policy, reports etc.)
- (g) Do we all know what we are supposed to be doing?
- (h) Do all members of the authority take collective responsibility for its decisions?
- (i) In what ways does our behaviour, collectively as a governing body and individually as governors, show that we take our responsibilities to the organisation and its stakeholders very seriously?
- (j) Are there any ways in which our behaviour might weaken the organisation's aims and values?

3.5 Generally, having regard to paragraphs 3.2 and 3.3 above, it was recognised that the Council's Rules of Procedure need strengthening and changing. For example, Member Engagement and how this could be restructured to allow for better engagement by opposition groups (e.g. a themed debate on an opposition motion).

3.6 A report was therefore prepared and which was discussed at the Constitutional Working Party on 3rd April 2017. A follow up report was then discussed at the Constitutional Working Party on 22nd June 2017 where the four group leaders were all present. As a result of those discussions, a proposed new order of business for ordinary Council meetings is proposed as set out in Table 1 below:

<u>Segment</u>	<u>Details</u>	<u>Time (Minutes)</u>	<u>Change</u>
Introduction, Minutes, Declarations, Announcements	The initial preparations and administrative part of the meeting	10	N/A
Public Engagement – Petitions Up to 5 petitions (Petition Scheme Procedures apply)	6 minutes for each petition (1) Petitioners – 3 minutes (2) Lead Member comments – 3 minutes	35 (includes 5 minutes for delays between petitions)	This is an increase in petitions from 3 to 5. The increase is to allow for greater public engagement. Councillor questions to petitioners will be removed but the opportunity for the Lead Member to comment will remain. At the end of the presentation, the petition will be “handed” to the Speaker who will announce where the petition will go for a full response. This could be to another Committee (including Cabinet) or to a Corporate Director. It is considered that this change will increase democratic accountability whilst recognising that there is a finite amount of time available at Council for all its business to be concluded. At the end of the day, good governance is about considering how well our meetings work and what can be done to make them more productive and for Council to do its business more effectively.
Public Engagement – Petitions Petition Report	All other petitions that had been submitted will be noted and the Speaker will state where they will go for a full response	2	This is to allow for greater public engagement. Rather than petitions be left to build up, then can all be acknowledged albeit there is no debate

Public Engagement – Questions Up to a maximum of 3 public questions can be asked	3 minutes for each question (1) Questioners – 1 minute (2) Lead Member response – 2 minutes	10 (includes 1 minute for delays between questions)	N/A
Public Engagement – Questions Question Report	All other questions that had been submitted will be noted and stated that a written response will be given	1	N/A
Mayor’s Report	6 minutes for the Mayor 2 minutes for each Group Leader	14	Better timetabling of meetings allows for increasing the time that opposition groups have to respond and which allows for better democratic accountability
Opposition Motion Debate	These would be on an equal basis or proportionally (1) Mover – 4 minutes (2) Seconder – 3 minutes (3) General Debate – 20 minutes (4) Mover Sums up – 3 minutes	30	The Constitutional Working Party considered that allowing a portion of the meeting to be for the opposition increased democratic accountability as well as a greater collective responsibility
Administration Motion Debate	(1) Mover – 4 minutes (2) Seconder – 3 minutes (3) General Debate – 20 minutes (4) Mover Sums up – 3 minutes	30	Better timetabling of meetings allows for an additional debate on an administration motion. A debate on such allows for greater involvement of opposition groups as well as better engagement. This in turn leads to democratic accountability as well as a greater collective responsibility
Other motions	This will be subject to time allowing See # below		N/A

Members Questions	All questions are considered tabled so there is simply the answer from the lead members followed by the supplementary question and answer	25	By tabling questions, it saves these being read out and which therefore allows more time for questions to be asked. However it is recognised that this could cause difficulties for persons watching on the webcast and how easy is it for them to therefore access the text of the question to be asked. This should allow for greater involvement of opposition groups as well as better engagement. This in turn leads to democratic accountability as well as a greater collective responsibility.
Reports	To debate any reports on the agenda	10	

- The total time is therefore 2 hours and 47 minutes and should allow for any overruns or issues elsewhere on the agenda. Any time left over allows for further Motions (or additional Member questions)

- 3.7 In addition to the new order of business and a number of tidying up changes that need to be undertaken to the Rules, e.g. removal of words [NB: Function allocated to Head of Paid Service until 31st October 2014], there are some specific proposed changes for consideration and which are:

Rule 5 – Time and Place etc.

It is proposed to change this so that it relates to the time, date and place of meetings. Further that in addition to the Chief Executive, the Monitoring Officer can agree to the change. Finally that the general start time of meetings is moved forward from 7.30pm to 7pm

Rule 10 – Cancellation

This will be linked to Rule 5 so that instead of cancelling a meeting, the date can be changed.

Rule 14.1.3 – To change the Order of Business on the Agenda

It is proposed to limit the capacity to change the order of business to cases where the Speaker is satisfied that there are exceptional circumstances to permit such change and the Member seeking to change the order must address such special circumstances.

The Constitutional Working Party recognised that this would require a strong speaker and for the purposes of deciding on such requests or in matters in Rule 23 or 24.1 below, politically neutral for those purposes.

Rule 15.10.3 – Right to Reply in cases where there is an amendment

It is considered that the mover of the motion should still have a right of reply even where an amendment is agreed.

Rule 20 – Standards Advisory Committee Reports

The right to address will be extended to the Independent Person as well.

Rule 23 – Members' Conduct

Following the giving of a warning, the Speaker should have the power to order that a Councillor who is guilty of misconduct by persistently disregarding the ruling of the Speaker, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, be removed from the meeting. The Speaker will need to be provided with training and be advised by the Chief Executive and the Monitoring Officer and if the Speaker abuses the power then that will be treated as a breach of the Code of Conduct for Members.

See also note of Constitutional Working Party in Rule 14.1.3 above.

Rule 24.1 – Disturbance by the Public

This will be expanding powers in relation to disturbance by the public and recognising that now recording is allowed that the manner in which it is being recorded is causing an annoyance or is breaching health and safety then it is proposed that this rule be amended to allow for a person to be removed from the meeting if they continue causing an annoyance or breach despite a warning.

See also note of Constitutional Working Party in Rule 14.1.3 above. Further, the Constitutional Working Party consider that at the start of the meeting the Speaker could give a statement about recording and this could also be in relation to filming that filming Members and Chief Officers only and not members of the public or junior officer who may be present.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The Chief Finance Officer has been consulted on this report and has no additional comments to make; there are no financial implications as a result of the proposed changes to the Constitution set out in this report.

5. LEGAL COMMENTS

- 5.1 Any legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The proposed revisions to the Constitution are intended to address weaknesses regarding efficiency, transparency and accountability. In making the revisions to increase efficiency, transparency and accountability of decision making this should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 As a best value authority, the Council has an obligation under section 3 of the Local Government Act 1999 to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness” (the best value duty). Whilst the report does not propose any direct expenditure, it is looking to put in place arrangements in the exercise of its functions having regard to efficiency and thereby also economy and effectiveness.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 It is not considered that there are any environmental implications.

9. RISK MANAGEMENT IMPLICATIONS

9.1 This proposed revision of the Constitution is designed to address weaknesses regarding efficiency, transparency and accountability. The overall aim is therefore to reduce risk.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no crime and disorder reductions implications.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE


Local Government Act, 1972 Section 100D (As amended) List of “Background Papers” used in the preparation of this report

- NONE

Officer contact details for documents:

- N/A

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Non-Executive Report of the: General Purposes Committee 5 th July 2017	
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Update from Constitutional Working Party - Overview and Scrutiny Committee - Voting Rights of Co-opted Members	

Originating Officer(s)	Paul Greeno, Senior Corporate and Governance Legal Officer
Wards affected	All

Summary

At General Purposes Committee on 2nd May 2017 the revised Overview and Scrutiny Procedure Rules were agreed but it was requested that the Constitutional Working Party consider whether the Muslim Faith representative on the Overview and Scrutiny Committee should have voting rights. This report advises as to the considerations of the Constitutional Working Party at its meeting on 22nd June 2017.

Recommendations:

The General Purposes Committee is recommended to:

1. Recommend to Council that the Muslim Faith representative on the Overview and Scrutiny Committee is able to vote on Education matters.

1. REASONS FOR THE DECISIONS

- 1.1 In the interests of fairness it is considered that the Muslim Faith representative should have the same voting rights on the Overview and Scrutiny Committee as the Church of England and a Roman Catholic representative.

2. ALTERNATIVE OPTIONS

- 2.1 The Council could decide not to permit the Muslim Faith representative on the Overview and Scrutiny Committee to vote on Education matters.

3. DETAILS OF REPORT

- 3.1 At General Purposes Committee on 2nd May 2017 the revised Overview and Scrutiny Procedure Rules were agreed but it was requested that the Constitutional Working Party consider whether the Muslim Faith representative on the Overview and Scrutiny Committee should have voting rights.

- 3.2 The legal position regarding voting rights of co-opted members is set out below.

Legal Position

- 3.3 Section 9FA(4) of the Local Government Act 2000 ('the 2000 Act') provides that an overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority. This is the power to appoint co-opted members.

- 3.4 The Local Government and Housing Act 1989 ('the 1989 Act') establishes that members of committees appointed under the Local Government Acts 1970 and 1972 and who are not elected members of the Council do not generally have voting rights. There are exceptions to this rule. As set out below, Church and parent governor members of overview and scrutiny do have voting rights in respect of education matters. Further all members of advisory committees formed under section 102(4) of the Local Government Act 1972 also have voting rights.

- 3.5 Schedule A1 of the 2000 Act makes provision for "**Overview and scrutiny committees: education functions**" and as the Council's Overview and Scrutiny Committee functions under section 9FA relate partly to education functions then paragraphs 7 and 8 of Schedule A1 apply.

- 3.6 Paragraph 8(1) provides that in the case of a relevant authority that maintains one or more Church of England schools, an overview and scrutiny committee or sub-committee to which this paragraph applies must include at least one qualifying person.

- 3.7 Paragraph 8(3) provides that in the case of a relevant authority that maintains one or more Roman Catholic Church schools, an overview and scrutiny committee or sub-committee to which this paragraph applies must include at least one qualifying person.
- 3.8 Paragraphs 8(2) and 8(4) respectively specify who are qualifying persons for the purposes of paragraphs 8(1) and 8(2) respectively.
- 3.9 Paragraph 8(5) provides that in respect of education matters the Church of England and a Roman Catholic representative may vote in respect of education matters only.
- 3.10 Regulation 3 of the Parent Governor Representatives (England) Regulations 2001 ('the 2001 Regulations') provides that a local authority shall appoint at least two but not more than five parent governor representatives to each of their education overview and scrutiny committees and sub-committees. In this case, the Council's Overview and Scrutiny Committee functions relate partly to education functions and therefore the Council has appointed three parent governor representatives to the Overview and Scrutiny Committee.
- 3.11 Regulation 10 of the 2001 Regulations provides that a parent governor representative shall be entitled to vote at a meeting of an education overview and scrutiny committee of which he is a member on any question which relates to any education functions which are the responsibility of the authority concerned's executive and which falls to be considered at the meeting.
- 3.12 This means that in respect of education matters only, the parent governor representative shall be entitled to vote.
- 3.13 In summary, in relation to other co-opted members the general position is as provided by section 13(1) of the 1989 Act and which is that these co-opted members are non-voting. However, having regard to section 13(5) of the 1989 Act nothing in section 13 shall prevent the prevent the appointment of a person who is not a member of a local authority as a voting member of any committee or sub-committee appointed by the local authority wholly or partly for the purpose of discharging any education functions of the authority. The Council can therefore provide that the Muslim Faith representative is able to vote on Education matters only.

Discussion at Constitutional Working Party on 22nd June 2017

- 3.14 The four group leaders attended the Constitutional Working Party and all agreed that the Muslim Faith representative should be able to vote on Education matters same as the Church of England and a Roman Catholic representative. The Borough's two largest religious groups are Muslim and Christian and it was noted that Muslim comprises the largest religious group. As such, it was only fair and just that the Muslim Faith representative should also be able to vote.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 There are no financial implications arising out of this report.

5. LEGAL COMMENTS

5.1 Legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 The 2011 Census question on faith simply asked '***What is your religion?*** Respondents were asked to tick one of eight categories which comprised: six religions, a '*no religion*' category, and an '*any other religion*' option which allowed residents to provide further detail. For Tower Hamlets, the Borough's two largest religious groups are Muslim and Christian. At the time of the 2011 Census, 38 per cent of residents said they were Muslim and 30 per cent were Christian.

6.2 By giving the Muslim faith representative the same voting as the Christian representatives this should help the Council to achieve the objective of equality inherent in One Tower Hamlets.

7. BEST VALUE (BV) IMPLICATIONS

7.1 As a best value authority, the Council has an obligation under section 3 of the Local Government Act 1999 to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness" (the best value duty). Whilst the report does not propose any direct expenditure, it is looking to put in place arrangements in the exercise of its functions having regard to efficiency and thereby also economy and effectiveness.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 It is not considered that there are any environmental implications.

9. RISK MANAGEMENT IMPLICATIONS

9.1 This proposed revision of the Constitution is designed to address weaknesses regarding efficiency, transparency and accountability. The overall aim is therefore to reduce risk.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no crime and disorder reductions implications.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report


List any background documents not already in the public domain including officer contact information.

- NONE

Officer contact details for documents:

- N/A

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<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>5th July 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer</p>	<p>Classification: Unrestricted</p>
<p>Proposed Revision to the Constitution - Part 5.4 (Member/ Officer Relations' Protocol)</p>	

Originating Officer(s)	Paul Greeno, Senior Corporate and Governance Legal Officer
Wards affected	All

Summary

As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date.

Recommendations:

The General Purposes Committee is recommended to:

1. Recommend to Council for approval the revised draft Member/ Officer Relations Protocol at Appendix 1.

1. REASONS FOR THE DECISIONS

- 1.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. A review of the Constitution is ongoing and proposals have been considered by the Constitutional Working Party which makes recommendations to the Committee in respect of a revised Member/ Officer Relations' Protocol..
- 1.2 The purpose of the Constitution is to set out how the council operates; how decisions are made; and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. It is therefore important that the Constitution is kept up-to-date so that it can continue to achieve that purpose.
- 1.3 The Constitution has not had a thorough review for some time and therefore a full review of the Constitution is being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.
- 1.4 Although the vast majority of changes could be made by the Monitoring Officer using delegated powers, it has been decided that as this is a complete review to report the changes through a Member Constitutional Working Party, General Purposes Committee and then to Council to approve all changes.

2. ALTERNATIVE OPTIONS

- 2.1 Not to approve the revised Member/ Officer Relations Protocol.

3. DETAILS OF REPORT

- 3.1 This Report is a continuation of papers being presented to the General Purposes Committee Party to update on the review of the Constitution.
- 3.2 This Report specifically relates to Part 5.4 of the Constitution and which contains the Member/ Officer Protocol or, as it will be renamed to more accurately reflect what it is, the Member/ Officer Relations' Protocol. This is an important Constitutional document as it is part of the Council's ethical framework and is in addition to the Code of Conduct for Members adopted under the provisions of the Localism Act 2011.
- 3.3 The revised Member/ Officer Relations Protocol was discussed at a meeting of the Constitutional Working Party on 22nd June 2017 where the four group leaders were all present. The draft revised Member/ Officer Relations' Protocol in Appendix 1 is the product of such discussion.

- 3.4 One of the core principles of good governance is that Councillors and officers work together to achieve a common purpose with clearly defined functions and roles. In that regard, the Nolan Committee expressed the view that the following principles must be observed.
- Advice to political groups must be given in such a way as to avoid compromising an officer's political neutrality.
 - Advice must be confined to Council business, not party business.
 - Relationships with a particular party group should not be such as to create public suspicion that an officer favours that group above others.
 - Information communicated to an officer by a party group in confidence, should not be communicated to other party groups.
- 3.5 This Protocol has been reviewed so that it attempts to define what should be considered a proper working relationship between the Mayor/ Councillors and officers in the London Borough of Tower Hamlets and to provide a framework within which confidence in the machinery of local government in Tower Hamlets can be maintained. The Protocol, which is a public document, will form part of the Council's Constitution. It draws on statute and common law, the statutory provisions applying to the Council's Code of Conduct for Members, the Nolan Committee Report, an earlier Tower Hamlets Protocol document and similar codes produced in other London Boroughs.
- 3.6 Reasons for suggesting changes to the current Protocol fall into four categories:
- (i) Changes that bring the Protocol up to date in terms of legislative context, the organisational structure of the Council and/ or current terminology;
 - (ii) Improvements to achieve better consistency with other documents in terms of content and style and structure;
 - (iii) The addition of information/ explanation to aide understanding;
 - (iv) Material changes to the Protocol
- 3.7 With regard to changes, sections in relation to the Statutory Framework and Gifts and Hospitality have been removed as these are not relevant for the Protocol.
- 3.8 Also regarding changes, changes relating to (i) and (ii) above have been made to all sections of the document and, as they are not material, have not been singled out.
- 3.9 Changes to sections relating to categories (iii) and (iv) above are identified in Table 1 below for each code as it was felt that these changes in particular should be brought to Members' attention.

Table 1: Changed sections and reason for change

Changes to improve quality/clarity of information or explanation		Additional/ Material changes to the Protocol	
Current Version	Proposed New Version	Current Version	Proposed New Version
<p>1. Introduction</p> <p>2. General Principles of Conduct</p> <p>6. Officers and Party Political Groups</p> <p>9. Members' Access to Information</p> <p>10. Members' Services and the Use of Council Facilities</p> <p>11. Recruitment, Appointments and other Staffing Matters</p> <p>12. Members and Officers and the Media</p>	<p>1. Introduction</p> <p>2. General Principles of Conduct</p> <p>6. Officers and Party Political Groups</p> <p>12. Councillors' Access to Information</p> <p>13. Members' Services and the Use of Council Facilities</p> <p>14. Recruitment, Appointments and other Staffing Matters</p> <p>15. Members and Officers and the Media</p>	<p>4. Members' Roles and Responsibilities</p> <p>5. Officers' Roles and Responsibilities</p> <p>7. Members' and Officers' Interests</p>	<p>3. Councillors' Roles and Responsibilities</p> <p>4. Officers' Roles and Responsibilities</p> <p>5. The Relationship between Councillors and officers</p> <p>7. The Relationship between the Mayor/ Cabinet and officers</p> <p>8. The Relationship between Overview and Scrutiny Committee and officers</p> <p>9. The Relationship between Committee Chairs and officers</p> <p>10. The Relationship between Council Committees and officers</p> <p>11. Ward Councillors and Officers</p>

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The Chief Finance Officer has been consulted on this report and has no additional comments to make; there are no financial implications as a result of the proposed changes to the Constitution set out in this report.

5. LEGAL COMMENTS

- 5.1 Any legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The proposed revisions to the Constitution are intended to address weaknesses regarding efficiency, transparency and accountability. In making the revisions to increase efficiency, transparency and accountability of decision making this should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 As a best value authority, the Council has an obligation under section 3 of the Local Government Act 1999 to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness” (the best value duty). Whilst the report does not propose any direct expenditure, it is looking to put in place arrangements in the exercise of its functions having regard to efficiency and thereby also economy and effectiveness.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 It is not considered that there are any environmental implications.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 This proposed revision of the Constitution is designed to address weaknesses regarding efficiency, transparency and accountability. The overall aim is therefore to reduce risk.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no crime and disorder reductions implications.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- 1 - Revised draft Member/ Officer Relations Protocol

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE

Officer contact details for documents:

- N/A

Part 5.4

Member/ Officer Relations' Protocol

Date Last Reviewed:	31st March 2017
Reviewed By:	Senior Corporate and Governance Legal Officer
Approved By:	
Date Approved:	
Version No.	2
Document Owner:	Paul Greeno
Post Holder:	Senior Corporate and Governance Legal Officer
Date of Next Scheduled Review:	31st March 2018

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4	Officers' Roles and Responsibilities
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7	The Relationship Between The Mayor/ Cabinet and Officers
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A	Expectations

1. INTRODUCTION

- 1.1** An integral part of strengthening and improving organisational culture is developing and maintaining good governance. The fundamental principles of good corporate governance are set out in the Cadbury Report [1992] and then expanded upon in the Nolan Committee [1995]. The Chartered Institute of Public Finance and Accountability (CIPFA) in conjunction with the Society of Local Authority Chief Executives and Senior Managers (SOLACE) drew together the principles identified by Cadbury and Nolan into a single framework of good governance for use in local government and published

Corporate Governance in Local Government – A Keystone for Community Governance: Framework. This Framework has been revised from time to time so as to take into account the reforms to local government to improve local accountability and engagement. The Nolan Committee Report on Standards of Conduct in Local Government in England, Scotland and Wales, was in no doubt about the need for an effective working relationship to exist between Councillors and employees in local authorities.

1.2 One of the principles of this Framework provides that good governance means Councillors and officers working together to achieve a common purpose with clearly defined functions and roles. In that regard, the Nolan Committee expressed the view that the following principles must be observed:

- Advice to political groups must be given in such a way as to avoid compromising an officer's political neutrality.
- Advice must be confined to Council business, not party business.
- Relationships with a particular party group should not be such as to create public suspicion that an officer favours that group above others.
- Information communicated to an officer by a party group in confidence, should not be communicated to other party groups.

1.3 This Protocol attempts to define what should be considered a proper working relationship between the Mayor/ Councillors and officers in the London Borough of Tower Hamlets and to provide a framework within which confidence in the machinery of local government in Tower Hamlets can be maintained. The Protocol, which is a public document, forms part of the Council's Constitution. It draws on statute and common law, the statutory provisions applying to the Council's Code of Conduct for Members, the Nolan Committee Report, an earlier Tower Hamlets Protocol document and similar codes produced in other London Boroughs.

1.4 Councillors and officers are indispensable to one another and mutual respect between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective public sector organisation. Councillors provide a democratic mandate to the Council, whereas officers contribute the professional expertise needed to deliver the policy framework agreed by Councillors.

1.5 Whilst collaborative working is the accepted norm for Councillors and officers, it is important to recognise and take account of their different roles. This is necessary for the day to day interaction between Councillors and officers and for the public perception of the Council – by ensuring transparency between the political role of Councillors and the professional, impartial, role of officers.

- 1.6** If the Protocol is followed then it should ensure that Councillors receive objective and impartial advice from officers and provides a shield to officers to protect them from accusations of bias and from undue influence from Councillors.
- 1.7** This Protocol is part of the Council’s ethical framework and the guidance in this protocol is intended to complement the provisions of the Members' Code of Conduct (at Part 5.1 of the Constitution) and the Employees’ Code of Conduct (at Part 5.5. of the Constitution) and must be read in conjunction with those Codes as well as any guidance issued by the Monitoring Officer.
- 1.8** A failure to abide by this Protocol by the Mayor or Councillors is likely to be a breach of the Code of Conduct for Members and which could result in a complaint being made to the Monitoring Officer. As to officers, a failure to abide by this Protocol by the Mayor or Councillors is likely to result in a disciplinary investigation.
- 1.9** Any reference to ‘Councillor’ or ‘Councillors’ in this Protocol, or any appendices or related Codes/ Protocols, means the Mayor, elected and co-opted members. This Code applies at all times when Councillors act in their capacity as Councillors (or claim to act or give the impression of acting in their capacity as a Councillor).
- 1.10** Officers and staff mean all persons employed by the Council.
- 1.11** Whilst much of this Protocol concerns the relationship between Councillors and Senior Officers, the same principles apply to all officers.
- 1.12** **A Councillor in need of advice about the application of this Protocol should contact the Monitoring Officer whereas an officer in need in need of advice about the application of this Protocol should contact their line manager in the first instance.**

2. GENERAL PRINCIPLES OF CONDUCT

- 2.1** The report of the Nolan Committee “Standards of Conduct in Local Government in England, Scotland and Wales”, recommended that the former National Code of Local Government Conduct should be replaced by a statement of the “General Principles of Conduct for Local Councillors”.
- 2.2** This recommendation was given statutory force through the ethical framework contained in the Local Government Act, 2000. The “General Principles of Conduct in Local Government” were stated as follows:

- Selflessness – Councillors should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- Honesty and Integrity – Councillors should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- Objectivity – Councillors should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- Accountability – Councillors should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.
- Openness – Councillors should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
- Personal Judgement – Councillors may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
- Respect for Others – Councillors should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers, and its other employees.
- Duty to uphold the law – Councillors should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
- Stewardship – Councillors should do whatever they are able to do, to ensure that their authorities use their resources prudently and in accordance with the law.
- Leadership – Councillors should promote and support these principles by leadership and example, and should always act in a way that preserves public confidence.

2.3 The Localism Act 2011 then provided for seven principles of conduct and which underpin this Protocol. These are:

- Selflessness (doing things for others rather than personal benefit),
- Integrity,
- Objectivity (not being biased),

- Accountability (being responsible),
- Openness,
- Honesty and
- Leadership.

2.4 Officers are also bound by the Council's own Employees' Code of Conduct and, in some cases, by the codes of their professional associations.

3. COUNCILLORS' ROLES AND RESPONSIBILITIES

General

3.1 Councillors are democratically accountable to residents of their Wards and serve only so long as their term of office lasts. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them. Councillors should not allow sectional interests or pressures to prevent them carrying out their duties.

3.2 Councillors will have personal, individual and collective roles to balance. As the local elected representative they will engage with residents and groups on a wide range of different issues and take on an important community leadership role. Councillors will respond to constituents' enquiries and representations, fairly and impartially. As Representatives, Councillors will interpret and express the wishes of the electorate and seek to account for service priorities, allocation of resources and the authority's performance.

3.3 As members of political groups or as independents, Councillors will express political values and support the policies of the group to which they belong.

3.4 Councillors will have to decide how to relate their representative role to their political role. The Council has to constantly make choices, because of conflicts of interests and scarcity of resources. The representative role does not prevent Councillors from deciding that some individuals/ groups have the greatest need, or historically have been excluded from receiving services. Equally, because of their representative role, Councillors will often be required to consider making representations on behalf of their constituents even if they are aware that the matter has a relatively low priority under the Council's policies

3.5 At Council/ Cabinet/ Committees/ Sub-Committees or Panels, Councillors have personal, individual and collective responsibility for the organisation and its activities. Councillors are responsible for ensuring that adequate management arrangements are in place; to develop and take decisions on the use of the Authority's physical, financial and human resources.

Councillors are also concerned with the performance, development, continuity and overall well-being of the organisation.

- 3.6** Councillors as Cabinet Members may also have executive responsibilities and powers to exercise as specified under the Council's Constitution. At Council, Councillors participate in the governance and management of the Council. They will contribute to the development of policies and strategies, including budget setting. On Committees or Sub-Committees, Councillors may be involved in scrutinising Council decisions or taking decisions on Planning or Licensing applications.
- 3.7** Councillors who are Committee chairs or portfolio holders have more specialised roles in promoting particular policies, representing the Council while at the same time working with other agencies to tackle issues such as housing, social services, schools, the environment and transport.
- 3.8** Councillors hold office by virtue of the law and must at all times operate within it. They are required by law to observe the General Principles of Conduct and the Code of Conduct for Members in their involvement in Council business and are also required to act in accordance with the Council's Constitution.
- 3.9** Ultimately, all Councillors however have the same rights and obligations in their relationship with officers and should be treated equally.

Councillors and Decision Making

- 3.10** The Council operates a directly elected Mayor and Executive model and therefore executive decisions are taken by the Mayor and non-executive decisions by Council. These decisions are then delegated so that in practice, most of the work is either given to smaller groups of Councillors or by officers.
- 3.11** Councillors are not authorised to instruct officers other than:
- through the formal decision-making process;
 - to request the provision of consumable references provided by the Council for Councillors' use;
 - where staff have been specifically allocated to give support to a Councillor or group of Councillors.
- 3.12** The Mayor and Councillors are not authorised to initiate or certify financial transactions, or to enter into contracts on behalf of the Council.
- 3.13** Councillors must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. When reaching decisions, Councillors should have regard to any advice provided by the Monitoring Officer or section 151 officer.

3.14 Councillors must respect the impartiality of officers and do nothing to compromise it such as insisting that an officer changes his/ her professional advice.

3.15 Councillors should avoid undermining respect for officers at Council/ Cabinet/ Committees/ Sub-Committees/ Panels or other meetings, or in a public forum. This would be damaging both to effective working relationships and to the public image of the Council. Part of the role of Councillors is to monitor the performance of the Council and its staff. Councillors have the right to criticise reports or the actions taken by officers, but they should always:-

- seek to avoid personal attacks on officers; and
- ensure that criticism is constructive and well-founded.

3.16 Councillors have the ability to agree or reject proposals placed before them by officers, irrespective of the advice or recommendations made by officers so long as they generally act in good faith and exercise reasonableness in decision-making and specifically:-

- take into account relevant and dismiss irrelevant matters; and
- do not come to a conclusion that no reasonable authority would come to. Officers must therefore, be able to report to Councillors as they see fit and without any political pressure.

3.17 Decisions taken by any party political group meeting are not relevant to proper consideration of an issue by the Council under its Constitution. Where issues arise as a result of discussion at a party group meeting, then any formal action which Councillors may wish to see taken by officers should be notified to the Chief Executive or other relevant Chief Officer who will advise on the appropriate action to be taken.

Pre-disposition/ Pre-determination/ Interests

3.18 Section 25 of the Localism Act 2011 ('the 2011 Act') provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.

- 3.19** As to predetermination, this is a legal concept and is used in situations where a decision maker either has, or appears to have, a closed mind. That is s/he has made up his/her mind in advance of proper consideration of an issue and the merits of an application. Section 25 of the 2011 Act does not amount to the abolition of the concept of predetermination however, as no one should decide a case where they are not impartial or seen to be impartial. Critically, Councillors need to avoid any appearance of bias or of having a predetermined view before taking a decision.
- 3.20** Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition).
- 3.21** This is of particular importance when Councillors are acting as part of a tribunal hearing applications and if a Councillor considers that s/he does have a bias or cannot be impartial then they should withdraw from being a member of the Committee/ Sub-Committee considering such applications.
- 3.22** Councillors should note that, unless they have a disclosable pecuniary interest or a significant personal interest, they will not appear to be predetermined through-
- listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to prejudging the issue and the Councillor makes clear that they are keeping an open mind;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Councillor, provided the Councillor explains their actions at the start of the meeting or item and makes it clear that, having expressed the opinion or ward/ local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.
- 3.23** In order to avoid allegations of bias it is important that Councillors are scrupulous in declaring interests at a Committee meeting and, if in doubt, should seek advice from the Monitoring Officer as to whether s/he has an interest.
- 3.24** There are three (3) categories of interests, namely:

- Disclosable pecuniary interests (DPIs);
- Other registerable interests; and
- Non registerable interests

3.25 Chapter 7 of the 2011 Act places requirements on Councillors regarding the registration and disclosure of their pecuniary interests ('DPI') and the consequences for a Councillor taking part in consideration of an issue in the light of those interests. The definitions of DPI taken from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are set out in paragraph 3.4 of the Code of Conduct for Members.

3.26 Paragraphs 3.5 to 3.8 of the Code of Conduct for Members sets out other interests that the Council has decided should also be registered. Where a Councillor has an interest which under this Code would not be a disclosable pecuniary interest but requires registration (and therefore would not generally by law prevent participation in consideration of a matter in which the Councillor has that interest) the Councillor must also consider whether a reasonable member of the public in possession of all the facts would think that their interest is so significant that it would be likely to impair the Councillor's judgement of the public interest. If so, the Councillor must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.

3.27 Occasions may also arise where a matter under consideration would, or would be likely to, affect the wellbeing of the Councillor, their family, friend or close associate(s) more than it would affect those in the local area generally, but which is not required to be included in the Register of Members' Interests (for example, a decision in relation to a school closure, where a Councillor has a child at the school). In such matters, Councillors must also consider whether a reasonable member of the public in possession of all the facts would think that their interest is so significant that it would be likely to impair the Councillor's judgement of the public interest. If so, the Councillor must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.

Restrictions on Voting

3.28 Councillors must declare any Council tenancy they hold, but the Secretary of State has given a general dispensation for such Councillors to speak and vote on general housing matters unless the issue to be considered relates solely to the Councillor's dwelling. However, the Secretary of State has precluded Councillors from voting on any matter concerning the rents of local authority housing if they are two months or more in rent arrears

3.29 Section 106 of the Local Government Finance Act 1992 provides that no Councillor who is two months or more in arrears on payments for council tax is permitted to vote at any Council or Committee meeting on any decision on:

- any calculation affecting the level of council tax;
- the issue of precepts;
- any matter concerning collection, enforcement and penalties of council tax; and
- any recommendation or decision which might affect the calculation of the level of council tax whether for the year in question or a subsequent year.

3.30 It is the responsibility of any Member to whom section 106 applies to:

- disclose the fact; and;
- not vote on any matter specified in Section 106.

Councillors and Legal Action by or against the Council

3.31 There is a whole range of circumstances where the Council as a corporate body may be involved in legal proceedings. This could be against residents or other individuals, organisations and companies, and across the whole range of service areas including housing, planning, highways, etc. Councillors have a clear role in representing residents' and general public interests. In this representative capacity, Councillors will inevitably become involved in issues where the Council is considering, or is in the process of taking legal action, or where the Council is the defendant to legal actions brought by third parties.

3.32 Conflicts of interest will almost certainly occur when a Councillor is enquiring on behalf of an individual or body involved in legal action by or against the Council. In such cases, Councillors will be required to balance their representative role with their wider responsibilities in representing the corporate interests of the authority. For this reason, Councillors must be circumspect in any dealing with persons taking action against the Council, or against whom any legal action is being taken. Particularly, Councillors must be extremely cautious about having any dealings with professional representatives, advisers or witnesses in the case. Not only could such intervention prejudice the Council's position but the Councillor could find himself/ herself accused of an offence of Misconduct of Public Office or, Perverting the Course of Justice or an attempt or conspiracy to do so.

3.33 It is therefore particularly important that Councillors should be sure not only to avoid any actual impropriety, but at all times avoid any occasion for suspicion or any appearance of improper conduct.

3.34 In that regard, Councillors must not:

- attempt in any way to exercise improper influence over the legal process in which the Council is involved;

- attempt to exert improper influence on Council officers involved in the legal process or witnesses in the case;
- attempt to engage the community to exert improper influence on Council officers involved in the legal process or witnesses in the case.

3.35 Whilst Councillors have every right to information on how any such matter is being dealt with and a duty to represent their constituents, Councillors must also realise that the response on behalf of the Council must be limited to comments on process, so as not to prejudice any.

3.36 In respect of any ongoing or contemplated proceedings, all enquiries must be addressed to either the appropriate Divisional Director or Corporate Director. On no account is the Councillor to contact any officers involved in the proceedings to discuss or make any enquiries regarding the proceedings.

3.37 If, however, the Councillor believes that the Council's actions or intentions are wrong, s/he should inform the chief officer concerned. It must then be for the chief officer to determine what action to take. If the Councillor remains unhappy with the action taken, then s/he should refer the matter to the Council's Monitoring Officer or to the Chief Executive.

Joint Arrangements with Third Parties

3.38 The Council has in place procedures governing situations where the Council is represented in joint arrangements and when employees or Councillors will be involved.

3.39 Where Councillors are likely to be in the position of having a joint influence through Council, Cabinet/ Committee/ Sub-Committee/ Panel or other forum whilst at the same time being a Subscriber, Director or other member of a company or third party with which the Council is entering into a joint arrangement, adherence to the Council's Code of Conduct alone may not be sufficient protection. The Council must satisfy the District Auditor that it has taken appropriate steps to avoid any conflict of interest arising. If a Councillor's position is such that they could be involved in the decision making process on both sides, they must declare an interest and not take part in any decision or any discussion or vote at any Council, Cabinet/ Committee/ Sub-Committee/ Panel meetings or other forum where they are present.

3.40 The Council has also agreed that all Councillors and private companies either set up by the Council or in which the Council has any interest should be advised:

- that no Councillor should apply for or be granted any form of paid employment with such a Company; and

- that no officer should participate in any recruitment process of the company without the prior agreement of the Chief Executive.

Alleged Misconduct by Councillors

- 3.41** Any allegation of fraud or other criminal misconduct against a Councillor, where the Council is involved, will be investigated under the national or local ethical framework and may be subject to reference to the police, as appropriate. Allegations of misconduct against Councillors may also be investigated under procedures laid down by the Council's Standards Advisory Committee. Where a matter involves party discipline then this will be referred to the Leader/ Chief Whip of the party political group.

Complaints against Officers

- 3.42** Complaints about officers or Council services should be made to the Director of the service where the Councillor feels the fault lies or to the Chief Executive where it involves a Director personally. Indeed, Councillors have a duty to raise any issues where they have reason to think that fraud/ probity, corruption or malpractice of any sort is involved within the Council.

4. OFFICERS' ROLES AND RESPONSIBILITIES

Advice and Accountability

- 4.1** Officers are employed by and are accountable to the Council as a whole. With the exception of Political Assistants and the Mayor's Assistant, officers work to the instructions of their senior officers, not individual Councillors.
- 4.2** Under the direction and control of the Council (including, as appropriate, the Executive, Committees, Sub-Committees or Panels), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 4.3** Officers have a general legal duty to ensure that in advising Councillors all relevant considerations are placed before them prior to any formal decision being taken. Officers are required, in this context, to provide accurate and impartial policy advice and information and also to draw attention to the financial, legal, resource, equal opportunities and other relevant implications arising from any proposal.
- 4.4** This will in some circumstances require officers to give formal advice to Councillors in Committee or other meetings, which may be considered unpalatable, or even contrary to some declared political policy or objective. This may be necessary to ensure that Councillors can rely on having all relevant implications before them in considering a proposal and enable a "reasonable" and lawful decision to be taken.

- 4.5** Officers have a duty to implement decisions of Council, the Executive, Committees and Sub-Committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution, duly minuted and published.
- 4.6** Chief officers are responsible for deciding who, apart from themselves, in their Directorate (and in what circumstances) is responsible for giving policy advice to Councillors or dealing with Councillor's non-routine questions.
- 4.7** Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 4.8** Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive and be aware of the implications for Councillors, the media or other sections of the public.
- 4.9** Officers have the right not to support Councillors in any role other than that of Councillor, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.
- 4.10** Some officers have specific statutory responsibilities as holders of a statutory office, such as the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer. Others are Proper Officers appointed by Council for the purposes of specific statutes. These are set out in Part 2, Article 12 and Part 3.10 of the Constitution.
- 4.11** Officers carry out various management functions required under their job descriptions. Except through formal processes, Councillors should not seek to influence management decisions, for example on staffing matters.
- 4.12** Officers within Directorates are accountable to their chief officer and chief officers, through their senior management, are responsible for the allocation and prioritising of work by their staff. Councillors should not seek to influence such decisions.

Delegated Powers to Officers

- 4.13** In order to facilitate the Council's business and ensure that it is dealt with efficiently and effectively, certain functions of the authority will be delegated to officers. Formal schemes which delegates the power to exercise functions to chief officers (and in some cases to other specified officers) are set out in the Constitution. The chief officer, in turn, delegates functions to officers within a Directorate Scheme of Delegation.
- 4.14** Officers can only exercise functions that have been delegated to them. Where a function is delegated, it is important that officers should be able to

exercise this without hindrance or involvement by Councillors. The chief, or other officer, retains responsibility for the exercise of that power and is accountable for the decision taken.

- 4.15 Officers will also carry out various management functions required under their job descriptions. Again, except through formal processes, Councillors should not seek to influence management decisions, for example on staffing matters.
- 4.16 Officers have a duty to report to their Director any attempt to exert improper influence by Councillors or other officers.

Pre-disposition/ Pre-determination/ Interests

- 4.17 Like Councillors, officers must consider whether s/he has a registered interest or an interest that should be registered. Where an officer has a registerable interest then the officer must also consider whether a reasonable member of the public in possession of all the facts would think that their interest is so significant that it would be likely to impair that officer's judgement of the public interest. If so, the officer must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- 4.18 Occasions may also arise where a matter under consideration would, or would be likely to, affect the wellbeing of the Councillor, their family, friend or close associate(s) more than it would affect those in the local area generally, but which is not required to be registered. In such matters, officers must also consider whether a reasonable member of the public in possession of all the facts would think that their interest is so significant that it would be likely to impair the officer's judgement of the public interest. If so, the officer must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly

5. THE RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

- 5.1 "Governance" means: the process of decision-making and the process by which decisions are implemented (or not implemented). For governance to be good it needs to be participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. Bad relations between Councillors and officers is counter-productive to good governance and therefore the conduct of Councillors and officers should be such as to instil mutual trust and respect. Councillors and officers should understand and respect each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 5.2 Informal and collaborative two-way contact between Councillors and Officers is encouraged, but personal familiarity can damage the relationship, as might

a family or business connection, as this can undermine confidence in the Council. It is accepted that some close relationships will develop, particularly when Councillors and officers work closely together. It is important that close relationships between Councillors and officers are openly declared and if any relationship might be seen as unduly influencing their work in their respective roles then they should inform the Monitoring Officer.

- 5.3** It is not enough to avoid actual impropriety however. Councillors and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Councillor should not sit on a body or participate in any decision which directly affects the Officer on a personal basis.
- 5.4** Councillors and officers should respect each other's free (i.e. non-Council) time.
- 5.5** Councillors and officers should be courteous to each other at all times even if they disagree strongly with their respective views. Councillors and officers should not shout or raise their voice in an aggressive manner.
- 5.6** Councillors and officers must not bully or harass any person. Examples of bullying or harassing behaviour include:
- spreading malicious rumours
 - unfair treatment
 - picking on someone
 - regularly undermining a competent worker
 - denying someone's training or promotion opportunities
- 5.7** Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person whom the Councillor or officer has some actual or perceived influence over. This can be contrasted with the legitimate challenges which a Councillor or officer can make in challenging policy or scrutinising performance.

6. OFFICERS AND PARTY POLITICAL GROUPS

- 6.1** It must be recognised by all officers and Councillors that in discharging their duties and responsibilities officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Councillor. Special rules apply to Political Group Assistants and the Mayor's

Assistant and those post holders are made aware of them through separate guidance.

- 6.2** There is statutory recognition for party political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Senior officers may properly be called upon to support and contribute to such deliberations by political groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual Councillors treat them in a fair and even-handed manner.
- 6.3** The support provided by officers can take many forms, ranging from a briefing meeting with the Mayor, a Cabinet Member/ Chair/ Spokesperson prior to a Council, Cabinet, Committee or Sub-Committee meeting to a presentation to a political group meeting. Whilst in practice such officer support is likely to be in most demand from whichever political group is in control of the Council at the time, such assistance is available to all political groups.
- 6.4** Certain points, however, must be clearly understood by all those participating in this process, Councillors and Officer alike. In particular:
- (i) Requests for officers to attend any political group meeting must be made only to the appropriate member of the Corporate Management Team. Normally only that person will attend the meeting, although in exceptional circumstances s/he may be accompanied by one or more Senior Officers.
 - (ii) Unless otherwise agreed in advance with the Chief Executive, officers will not attend political group meetings that include persons who are not Councillors. However, where the Chief Executive has authorised such attendance special care needs to be exercised by officers involved in providing information and advice to such political group meetings. Persons who are not elected Councillors will not be bound by the Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a Councillors only meeting.
 - (iii) Officer support (whether in the form of a written report or otherwise) must not extend beyond providing information and advice in relation to matters of Council business. Officer support will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Reports or other support will not deal with any political implications of the matter or any option, and officers will not make any recommendations to a political group. Officers (with the exception of Political Group/ Mayor's

Assistants) are not expected to be present at meetings or part of meetings when matters of party business are to be discussed.

- (iv) Political group meetings, whilst they form part of the preliminaries to Council decision making are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.
- (v) It must not be assumed by any political group or Councillor that any Officer is supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.
- (vi) Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussion to another political group or Councillor thereof. However, Councillors should be aware that this would not prevent Officers from disclosing such information to other officers of the Council so far as is necessary to perform their duties.
- (vii) Where officers provide information and advice to a political group meeting in relation to a matter of Council business, it should be understood that the officers have a statutory duty to provide all necessary information and advice to the Mayor or Cabinet or relevant Committee/ Sub-Committee when the matter in question is considered.

6.5 Councillors should not ask staff to assist with any personal, business or party political matters, attend surgeries or decide how case work will be dealt with. The Political Advisers/ Assistants appointed to support the Mayor or the political groups on the Council can properly deal with political business. Although Section 9 of the Local Government and Housing Act, 1989 allows the political affiliation of an individual to be taken into account in the appointment of any Political or Mayor's Assistant, they remain officers of the Council and must therefore not undertake any activity, which may be deemed unlawful. In this context, it should be realised that officer support to the political groups is in the context of their role in the discharge of Council business and although it may require liaison with political parties, at both local and national level, should not be used in promoting the views of an individual political party or undertaking campaigning or other party political business.

6.6 Any particular cases of difficulty or uncertainty in this area of officer advice to political groups must be raised with the Chief Executive who will discuss them with the relevant Group Leader(s) or Mayor as appropriate.

7. THE RELATIONSHIP BETWEEN THE MAYOR/ CABINET AND OFFICERS

7.1 The Chief Executive, Corporate Directors and other senior officers will need to work closely with the Mayor and Cabinet members. This relationship has to function but having regard to the fact that the ultimate responsibilities of officers is to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that officers legitimately provide. The Mayor and Cabinet will seek advice from the relevant officers before taking decisions. Appropriate officers should also attend meetings of Cabinet as required.

7.2 Part 2, Article 12.06(b) of the Constitution sets out the role of the Chief Executive and his/ her working with the Mayor.

8. THE RELATIONSHIP BETWEEN OVERVIEW AND SCRUTINY COMMITTEE AND OFFICERS

8.1 The Overview and Scrutiny Committee or the Chair acting on its behalf, may require officers to attend meetings. Councillors should not normally expect junior officers to give evidence. All requests should be made to Corporate Directors or the Chief Executive in the first instance. Other Councillors may also be required to attend and they can bring with them the appropriate Corporate and/ or Divisional Director.

8.2 When making requests for officer attendance, Councillors must have regard to the workload of Officers.

8.3 Officers required to appear before the Overview and Scrutiny Committee may often be those who have advised on the matter to be scrutinised and it is possible that a conflict of interest could arise. Councillors and officers together need to consider the severity of the conflict and, if appropriate, research and advice must be sought elsewhere.

8.4 In giving evidence to the Overview and Scrutiny Committee, Councillors must not ask officers to express political views.

8.5 Officers should respect Councillors in the way they respond to Councillors' questions.

8.6 Councillors must not ask questions of officers in such a way which could be interpreted as harassment or bullying. Neither should Councillors ask about matters of a disciplinary nature.

8.7 Overview and Scrutiny proceedings must not be used to question the capability or competence of officers. Councillors must recognise the distinction between scrutinising the policies and performance of the Council and its services, and appraising the personal performance of officers as this is not a scrutiny function.

9. THE RELATIONSHIP BETWEEN COMMITTEE CHAIRS AND OFFICERS

- 9.1** It is clearly important that there should be a close working relationship between the Chair of the Committee/ Sub-Committee or Panel and the Corporate Director and senior officers of the Directorate(s) which reports to that body. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question, the officer's ability to deal impartially with other Councillors and other party groups.
- 9.2** Whilst the Chair will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, in some situations, a Corporate Director will be under a duty to submit a report on a particular matter. Similarly, a Corporate Director will always be fully responsible (and retains ultimate responsibility) for the contents of any report submitted in his/her name. Any issues arising between a Chair and a Corporate Director in this area should be referred to the Monitoring Officer or Chief Executive for resolution.
- 9.3** Committee Chairs are recognised as the legitimate elected spokesperson on their Committees' areas of responsibility. Where authority is delegated to officers (under appropriate Schemes of Delegations), they will often wish to consult the relevant Chair about the action which they propose to take, but the responsibility for the final decision remains with the officer who is accountable for it.
- 9.4** A resolution may be passed at meetings which authorises an officer to take action between meetings after consultation with the Chair/ Lead Member/ Portfolio Member etc. It is the officer, not the Chair etc., who takes the action and is responsible for it. The Chair of the Committee does not himself/herself have the power between meetings to make decisions.
- 9.5** Officers within a Directorate are accountable to their Corporate Director and whilst officers should always seek to assist a Chair (or indeed any Councillor), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Corporate Director.

10. THE RELATIONSHIP BETWEEN COUNCIL COMMITTEES AND OFFICERS

- 10.1** Committees of the Council shall seek advice from relevant officers before taking decisions and when considering any report or matter.
- 10.2** Councillors should note that if the report is from a Partner then officers will be required to review it before any decision on implementation can be made.

11. WARD COUNCILLORS AND OFFICERS

- 11.1** To enable them to carry out their ward role effectively, Councillors need to be fully informed about matters affecting their ward. Corporate Directors and senior officers must ensure that all relevant officers are aware of the requirement to keep local Councillors informed, thus allowing them to be able to contribute to the decision-making process and to develop their representative role.
- 11.2** Issues may affect a single ward but where they have a wider impact, a number of local Councillors will need to be kept informed.
- 11.3** Whenever officers organise a public meeting to consider a local issue, they should ensure that all Councillors representing the ward(s) affected should be invited to the meeting as a matter of course.
- 11.4** If a local Councillor organises a public meeting on a matter concerning some aspect of the Council's work then s/he should inform the relevant chief officer. Provided that the public meeting has not been arranged on a party political basis then an appropriate officer can be invited to attend but is not obliged to do so.
- 11.5** The Councillor can arrange for such a non-party political based meeting to be held in Council owned premises but no such meeting is to be arranged in the immediate run up to Council elections.
- 11.6** Ward Councillors must never ask officers to attend ward or constituency political party meetings.
- 11.7** Councillors should raise constituents' queries or concerns through the proper channels and not go direct to junior officers. Further in seeking to deal with constituents' queries or concerns, Councillors should not seek to jump the queue, but should respect the Council's procedures. Officers have many pressures on their time and officers may very well not be able to carry out the work required by Councillors in the requested timescale. Councillors should respect this.

12. COUNCILLORS' ACCESS TO INFORMATION

General

- 12.1** The following paragraphs identify the rights of Councillors and the procedures that they must comply with when applying for access to Cabinet/ Committee/ Sub-Committee papers and other documents/ information. These paragraphs take into account the following:

- Relevant legislation including the Local Government Act 1972; the Data Protection Act 1998; the Freedom of Information Act 2000; and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (SI 2012/2089)
- Local Government Transparency Code 2015
- Open and accountable local government: plain English guide
- Access to Information Procedure Rules (Part 4.2 of the Constitution)
- Relevant case law

12.2 In principle, Councillors have the same ordinary rights of access to certain information as is enjoyed by the general public but they also have the right to access any other information (i.e. confidential or exempt) held by the Council of which they are a Councillor provided that it is reasonably necessary to enable the Councillor to properly perform their duties as a Councillor (see “Need to Know” below). This right of access of additional access may not extend to the publication of or otherwise making public such information as there may be issues of confidentiality.

Meaning of Confidential Information

12.3 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

Meaning of Exempt Information

12.4 Exempt information is those for the time being specified in Part I of Schedule 12A to the Local Government Act 1972, namely:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority handling the information) [Information is not exempt under this category if it is required to be registered under the Companies Act 1985, the Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.]
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-

- a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

12.5 Information falling within any of the categories 1-7 of Rule 11.5 above is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Access to Cabinet/ Committee/ Sub-Committee Papers (including background Papers) – Forthcoming Meetings

12.6 The rights of Councillors can be summarised as follows:-

- (i) Councillors enjoy the same access rights as members of the public in respect of Part I Cabinet/Committee/Sub-Committee papers, but are not entitled to such papers where they have a personal interest as set out in the Code of Conduct for Members
- (ii) Councillors of the appropriate Cabinet/ Committee/ Sub-Committee will have a good reason for access to all Part II exempt information on the respective Cabinet/ Committee/ Sub-Committee agenda under the “Need to Know” principles (see below).
- (iii) Councillors of the Overview and Scrutiny Committee will have a prima facie “Need to Know” where they require access to Part II Cabinet agenda items as part of their scrutiny function provided the subject matter is within the Committee/ Sub-Committee’s terms of reference.
- (iv) All other Members who require access to confidential/ exempt Cabinet/ Committee/ Sub-Committee documentation will need to request disclosure under the Freedom of Information Act 2000 or demonstrate a “Need to Know” by complying with the principles set out below.

Access to Other Documents/Information – “The Need to Know”

12.7 It is important to note that in some cases access to information to which the public is not entitled only applies where Councillors are clearly carrying out their role as elected representatives. Where a Councillor has a financial or personal interest in a matter the Councillor will only be entitled to the same access as would be the case for a private individual, i.e. to inspect the reports, minutes and background papers relating to the public part of the Cabinet/ Committee/ Sub-Committee Agenda. In these circumstances, the Councillor must make it clear that s/he is acting in his/her private capacity and not as a Councillor.

- 12.8** Under common law principles Councillors have the right to access information held by the Council where it is reasonably necessary to enable the Councillor to properly perform their duties as a Councillor. This is known as the “Need to Know”. This means that information must not be used for party political purposes.
- 12.9** The common law “Need to Know” is the prima facie right of Councillors to inspect documents of the authority which exist as Councillors are under a duty to keep themselves informed of Council business which relate to their role as elected representatives. Thus, this right applies to Councillors who do not have statutory rights to exempt or confidential information and to other documents held by the Council under local government legislation or the Freedom of Information Act 2000.
- 12.10** For example, a Councillor is likely to have a prima facie “Need to Know” where s/he has a legitimate Ward problem and needs access to the documents that are relevant to that specific problem. Also, for example, a Cabinet Member whose Portfolio covers the matter in question and s/he needs to be aware of what is occurring for the purpose of his/ her Cabinet position.
- 12.11** Access to information on the basis of a ‘Need to Know’ does not exist where the Councillor is considered to be “fishing” for information or seeks access for an ulterior/improper purpose (e.g. for a private purpose). Case law has established that mere idle curiosity as to what is in the documentation will not be sufficient.
- 12.12** It should be noted that some material (for example if commercial sensitive) may be redacted from information that is disclosed, if this does not affect the ability of a Councillor to exercise his/her role as an elected representative.
- 12.13** There will also be a range of documents which, because of their nature are either not accessible by Councillors (such as the personal records of an individual) or are accessible only by the political group forming the administration and not by the Councillors of other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft Committee reports, the premature disclosure of which might be against the Council’s and the public interest.
- 12.14** Whilst the term “Council document” is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Councillor of one political group will not have a “Need to Know” and therefore, a right to inspect, a document which forms part of the internal workings of another political group.

Use of Council Information – Confidentiality

- 12.15** Procedural Rules and specific local procedures (e.g. on contracts) require Councillors and Officers to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and any breach of confidentiality will almost certainly lead to disciplinary action. Officers must distinguish between assisting an elected representative in the course of the Councillor's Council business and dealing with the same person as a client or customer, e.g. a Housing Benefit claimant. In the latter case, Officers will treat the Councillor with the same degree of helpfulness, courtesy and confidentiality as would be afforded to any other member of the public in the same situation, and interpret the relevant rules and procedures as they would for any other client or customer.
- 12.16** Equally, any Council information provided to a Councillor on the basis of a 'Need to Know' must only be used by the Councillor for the purpose for which it was provided, i.e. in connection with the proper performance of the Councillor's duties as an elected representative of the Council. Confidential or exempt information provided to Councillors may be discussed in Part II Committee meetings or in private meetings of appropriate Councillors and Officers. However, it should not be discussed with, or released to, any other persons. Any information that is provided should be clearly marked as confidential before it is released to Councillors.
- 12.17** In cases where a Councillor discloses information given to him/her in confidence by anyone, or information acquired by the Councillor which s/he believes, or ought reasonably to be aware, is of a confidential nature then that Councillor may find themselves the subject of a complaint to the Standards Advisory Committee that they have contravened the Code of Conduct for Members.
- 12.18** Similarly, the unauthorised disclosure of confidential or exempt information is regarded by the authority as a serious disciplinary offence for Officers. This includes an unauthorised disclosure to a Councillor.
- 12.19** Any request from a Councillor for information will be treated in confidence by Officers and will not be made known to any other Councillor or political group. Officers are also under a duty not to relate any information disclosed privately by a Councillor(s) (e.g. during Part II discussions at Committee, etc., informal briefings, private conversations or Group meetings) to another Councillor, Officer or person not already privy to that information.
- 12.20** The duty of Officers to observe a Councillor's confidence however will not apply if the information disclosed relates to something which could severely damage the Council or which is illegal or constitutes maladministration. In this event the matter will be referred to the appropriate Chief Officer and/or Monitoring Officer and Chief Executive for further investigation and action as appropriate.

Procedure for requests for Information by Councillors

- 12.21** A Councillor is also free to approach any Council Department to provide him/her with such information, explanation and advice about the Department's functions as s/he may reasonably need in order to assist him/her in discharging his/her role as a Councillor or acting for and on behalf of the Council as an appointed representative to another body. This can range from a request for general information or documentation about some aspect of the Department's activities, to a request for specific information on behalf of a constituent.
- 12.22** The following procedure should be adhered to when requesting documentation/ information:-
- (i) Initially the request should be made to the Chief Officer or Divisional Director for the Department concerned.
 - (ii) If access is denied or the Chief Officer/ Divisional Director is in doubt, the matter must be referred to the Corporate Director, Governance for determination.
- 12.23** Any requests for information made by Political Group Assistants on behalf of Councillors of their Group should be treated in exactly the same way as if those Councillors had made the request themselves. The Political Group Assistants, when making such requests should clearly indicate on which Councillors' behalf they are acting.

13. MEMBERS' SERVICES AND THE USE OF COUNCIL FACILITIES

Members' Services and Members' Enquiries

- 13.1** The Council operates a Member's Enquiries system which is for the Mayor and Councillors to use for routine requests for information and advice. Requests should be made in accordance with the guidance given in this Protocol. Matters which are not routine or involve policy should be directed initially to the relevant Corporate Director or Divisional Director or any officer nominated by them.
- 13.2** Both Mayor's Office secretarial staff and the Councillors' Support Team provide assistance to Councillors in their role as Council Members. Staff in these sections may, therefore, be used, as appropriate, to help with work such as casework, meetings and correspondence to do with Council matters. Full details of the service offered are contained in the Members' Services Guide.
- 13.3** A computerised monitoring system has been developed to monitor the receipt and progress of Members enquiries. Members' enquiries can be received by phone, fax, tape, e-mail, in writing or by personal visit.

- 13.4** Members' enquiries are registered on the computer system and sent with an automatic covering sheet to the appropriate Service Head for answers to be prepared and sent back direct to the Councillor or via the issuing officer. Provided that the response given to the Councillor is not confidential, an additional copy can be supplied to the Councillor for onward posting to the client by the Councillor or this can be forwarded from the issuing officer to the client on behalf of the Councillor. Alternatively, the reply from the department can be sent direct to the enquirer with a copy to the Councillor unless it contains confidential or restricted information.
- 13.5** The maximum turn round time expected for Members' enquiries is ten (10) working days and officers will chase outstanding enquiries exceeding this period.
- 13.6** A regular printout of the enquiry records can be supplied to individual Councillor on request.
- 13.7** The Mayor's Office and Councillor Support Team staff will assist with booking venues for, and publishing details of, Councillor' surgeries. Councillors' surgeries should normally be held within a Councillor's own ward, but Councillor may arrange a surgery in premises outside their ward if this is necessary to provide suitable surgery facilities for their own constituents. Councillor must not ask Council officers to assist with any personal, business or party political matters; attend surgeries; or decide how case work will be dealt with. The Political Advisers/ Assistants appointed to support the political groups on the Council can properly deal with political business. Although Section 9 of the Local Government and Housing Act, 1989 allows the political affiliation of an individual to be taken into account in the appointment of any Political Adviser/ Assistant, they remain officers of the Council and must therefore not undertake any activity, which may be deemed unlawful. In this context, it should be realised that officer support to the political groups is in the context of their role in the discharge of Council business and although it may require liaison with political parties, at both local and national level, should not be used in promoting the views of an individual political party or undertaking campaigning or other party political business.

Council Facilities

- 13.8** Councillors must use any Council facilities that are provided in their role as a Councillor strictly for that purpose and no other. For example, Councillors must not use rooms in the Town Hall or other buildings or any of the Council's paper, computers, photocopiers, or printers for any personal, business related or party political matter, nor, for example, on behalf of any community groups of which the Councillor is a member, unless formal approval has been given by the appropriate chief officer.

13.9 The Council can only provide legal representation to an individual Councillor where the action is taking place in the name of the Council and the individual deserves the protection of the Council. All such matters should be raised with the Chief Executive in the first instance.

Political Party Workers

13.10 Councillors are often assisted by political party workers. There is no objection to this, but no non-elected party worker has any entitlement to:

- information to which a Councillor has access in their role as Mayor or Councillor;
- use Council facilities provided for the use of Councillors.

The principles which apply to use of facilities provided for Councillors (and the officers employed to assist them) apply equally to all Council property and facilities and all Council employees.

14. RECRUITMENT, APPOINTMENT AND OTHER STAFFING MATTERS

14.1 A Councillor will not seek support for any prospective employee of the Council nor provide references in support of applications for employment by the Council.

14.2 Anyone who may be involved in the selection or appointment process for a post with the Council shall immediately declare any relationship to a candidate as soon as it becomes known to him/her to the Divisional Director, Human Resources and Workforce Development who shall record the declaration and determine whether or not that person may take any further part in the selection/ appointment process for that post.

14.3 If a Councillor is called upon to take part in selecting and appointing an officer, with the exception of the appointment of assistants to political groups or Mayor's assistant, the only question s/he should consider is which candidate would best serve the whole Council. A Councillor should not let his/her political or personal preferences influence their judgement.

14.4 Inevitably there will be occasions when Council services are being reorganised or restructured. In such situations Councillors may be asked to comment on, discuss or approve proposals prepared by officers. In these circumstances, Councillors should consider such proposals in relation to the best interests of the Council and should not allow personal views on individual officers affected by the proposals to influence their judgement. Similarly, Councillors should not seek to influence (other than as provided for by human resources procedures), decisions related to redundancy, redeployment or the promotion of individual officers.

- 14.5** The involvement of Councillors in staff disciplinary and grievance matters is defined in the Council's human resources procedures. Outside of the prescribed roles, a Councillor should not seek to influence or otherwise involve themselves in such matters or related staffing investigations. Where a staff disciplinary or grievance matter has a direct bearing on a ward matter or a matter raised with a Councillor by a constituent, then the Councillor may be informed that action is being taken but will not have a right to know the details. Councillors should not seek to discuss such matters with investigating officers but should direct any enquiries to the Divisional Director, Human Resources and Workforce Development.
- 14.6** If, in the course of performing their duties, Councillors receive allegations of misconduct by an officer, these should be referred with any supporting information to the appropriate Divisional Director. If the complaint relates to a senior officer then it should be referred to the officer's line manager. If the Councillor feels unable to raise the matter in this way then they can raise it with the appropriate chief officer. If the foregoing has been followed and the Councillor still has concerns or if s/he feels the matter is very serious, then the Councillor may contact the Divisional Director, Human Resources and Workforce Development or the Chief Executive.
- 14.7** Officers are entitled to reasonable privacy and respect for their private lives and Councillors should not seek or request personal information about individual officers. Such a request could be seen as threatening, particularly by junior officers. Similarly Councillors should not seek to contact officers outside of working hours or at home, unless by prior agreement with the relevant officer or under an existing provision or arrangement related to the officer's employment with the Council. If a Councillor has reasonable grounds for believing matters related to an officer's personal life have a bearing on their employment with the Council, then the Councillor should report these concerns to the relevant Chief Officer. Officers must show similar respect for the private lives of Councillors.
- 14.8** The Council has legal obligations in relation to equal opportunities both as an employer and as a public body. Councillors are required to comply with these legal obligations and to adhere to the Council's equal opportunities policy in their dealings with staff. Similarly, if a Councillor believes they have been subjected to unlawful discrimination or treated by officers in a manner that contravenes the Council's equal opportunities policy then this should be reported to the Divisional Director, Human Resources and Workforce Development.

Negotiations with Staff

- 14.9** Councillor level negotiations with staff will normally be carried out through the Joint Consultative Advisory Group (JCAG), which meets to deal with corporate industrial relations matters. At the JCAG, Councillors should act in the role of employer. Councillors who are officials or employees of a trade

union represented in the Council must not, under law, serve on bodies which have a responsibility for negotiating with trades unions. The same restriction applies to a Councillor employed by another local authority.

- 14.10** In the interests of openness and objectivity, Councillors should avoid entering into negotiations on staffing matters with the trades unions during private and informal meetings. For the avoidance of doubt, this does not prohibit Councillors from having private and informal meetings with trades unions generally.
- 14.11** Neither should Councillors disclose confidential information to the trade union side in the course of any consultations or negotiations. This principle applies to all matters relating to staff in which staff representatives are involved, including disciplinary, grievance and recruitment matters.
- 14.12** Occasions may arise where officers try to involve Councillors in day-to-day staff/ management issues. Councillors should strongly discourage such approaches. Officers should be advised to pursue matters with their management, involving his/her trade union where appropriate, through the established procedures for resolving grievances. Officers must not raise matters concerning their employment with individual Councillors; to do so may result in disciplinary action being taken.

Personal Relationships

- 14.13** In order not to risk damaging the external view of the Council and creating the suspicion of improper conduct, however unfounded, it is important that Councillor and staff working relationships are correct and business like. Personal friendships between Councillors and staff, for example, could call into question the way Council business appears to be conducted. It is important that Councillors, in their dealings on a personal level with the Council and its staff, do nothing, which would suggest that they are seeking, or might accept, preferential treatment for themselves, relatives and friends and any firm or body with whom the Councillor is connected.
- 14.14** Councillors should, therefore, declare to your party whip any relationship with an officer, which might be seen as influencing their work as a Councillor. This includes any family, business or sexual relationships. Officers, too, have a duty to declare any such relationship to their manager.
- 14.15** Councillors should not sit on the Council Committee responsible for the department for which an officer does significant work to whom they are:
- married;
 - the partner;
 - otherwise closely related such as sisters, brothers, parents and grand-parents; or

- where a Councillor's relationship with an officer would jeopardise the work of the Council.

15. COUNCILLORS AND OFFICERS AND THE MEDIA

- 15.1** It is crucial that information provided by the Council to the media is factually correct and, wherever possible, is designed positively to promote the Council's policies and activities. Therefore all formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
- 15.2** Officers will keep relevant Councillors informed of media interest in the Council's activities especially regarding strategic and contentious matters. Likewise, officers will inform the Communications Team of issues likely to be of media interest, or if they are planning to approach the media, since that Team is often the media's first point of contact.
- 15.3** Press releases or statements made by Officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a political group. It is for Councillors to comment on political issues and justify policy decisions. In that regard, the Mayor or appropriate Cabinet Member should take the lead on relevant service issues in respect of Executive matters and the Chair of relevant Committees in relation to Council functions
- 15.4** Officers are not allowed to have contact with the media (other than for advertising purposes) on any Council issue unless this has been cleared through the Council's Communications service.
- 15.5** Councillors have freedom to contact and discuss issues with the media but should have regard to their conduct relating to breaches of confidentiality and the need to represent the Council's best interests. It is also crucial that Councillors stress to reporters, when giving a personal view on an issue, that these views may not reflect Council policy. If a Councillor is making a statement which is party political in nature, the statement should not be issued under the Council's name.
- 15.6** In cases where Councillors are asked to give an immediate reaction to a journalist, if Councillors are not sure if their information is up to date and correct then the Councillor may wish to consider firstly contacting the Communications Service to discuss.
- 15.7** Where Councillors are giving statements to the media they should consider the likely consequences for the Council of his/ her statement (e.g. commitment to a particular course of action, allegations of jumping to conclusions or pre-determining an issue).

EXPECTATIONS

1. Officers can expect from Councillors:

- political leadership and direction;
- respect, dignity and courtesy;
- an understanding of and support for respective roles, workload and pressures;
- not to be subjected to bullying;
- not to be harassed or placed undue pressure;
- not to use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
- to comply with the Code of Conduct for Members.

2. Councillors can expect Officers to:

- be helpful and respectful to Councillors;
- maintain confidentiality;
- perform their duties effectively, efficiently and with political neutrality;
- behave in a professional and courteous manner;
- avoid personal close familiarity with Councillors and not to use their relationship with Councillors to advance their personal interests or to influence decisions improperly;
- report to their Director any time that a Councillors asks or pressurises the Officer to deal with a matter outside of Council procedure or policy;
- demonstrate an understanding of and support for respective roles, workload and pressures;
- comply with the Employees' Code of Conduct.

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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